



TITLE VI PLAN

NONDISCRIMINATION PROGRAM GUIDELINES

**As required by the
Federal Highway Administration**

June 15, 2011

**Submitted By:
MDOT Interdisciplinary Team
MDOT Leadership Team
Civil Rights Programs Unit**

**Cheryl J. Hudson
EEO Officer/Title VI Coordinator
425 West Ottawa
Lansing, MI 48909**

**Telephone: 517-373-0980
Hudsonc1@michigan.gov**

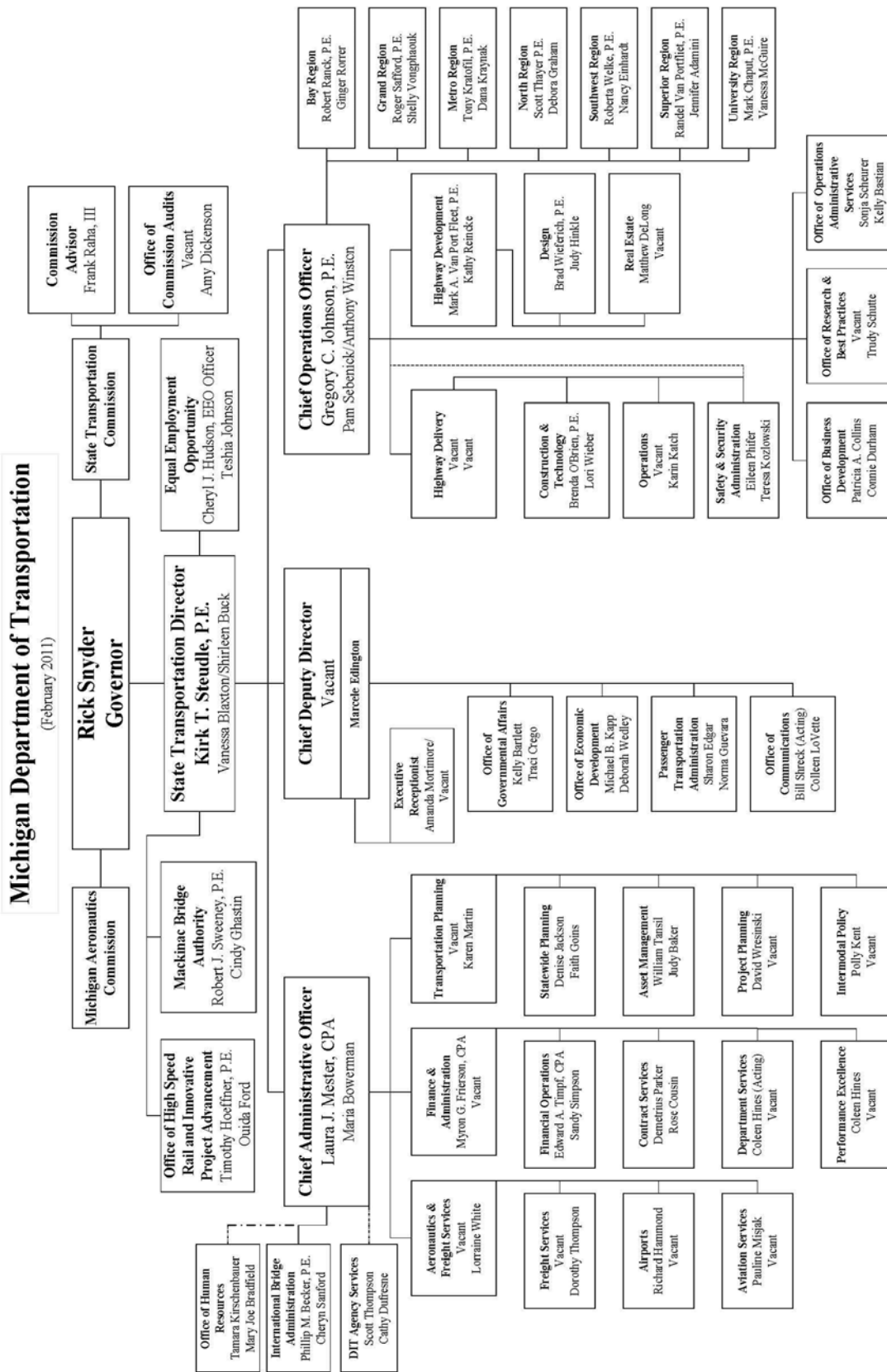
EQUAL OPPORTUNITY EMPLOYER

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I. INTRODUCTION

The Michigan Department of Transportation (MDOT) was organized under Sections 16.450 – 16.458 of the *Michigan Compiled Laws* (sections of the Executive Organization Act of 1965), and established to provide the people of Michigan with a safe, efficient, environmentally sound, comprehensive, and cost-effective transportation system. MDOT's transportation program serves all people of the state of Michigan, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse our state. MDOT recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation related to transportation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, MDOT must provide access to individuals with limited ability to speak, write, or understand the English language. The department must not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the

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objectives of the program because of race, color or religion. Therefore, the primary goals and objectives of MDOT's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by MDOT's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in MDOT programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create an illegal adverse impact on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within MDOT;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in an MDOT service, program or activity.

MDOT's mission is *"to provide the highest quality integrated transportation services for economic benefit and improved quality of life."* As the state's primary recipient of federal transportation funds, MDOT must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

MDOT shall also ensure that sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. MDOT, as a recipient who distributes federal transportation funds, shall monitor sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, MDOT will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is "disparate

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treatment.” Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The department’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

MDOT has developed this Title VI Plan to assure that services, programs, and activities of the department are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see MDOT State Assurances).

Limited English Proficiency

Michigan is home to a vast array of people from many cultures who speak many different languages. Michigan’s diversity is recognized as an asset to our economy. Input from diverse communities is vital to the process of meeting goals and expectations and resolving transportation issues. Differing perspectives and backgrounds enable creativity and innovation toward building a thriving economy. As a leader in transportation, MDOT is well aware that all people in the United States must have equal opportunity and equal access to programs, services, and activities that impact the quality of life of its residents and visitors to the state. MDOT recognizes Michigan’s diversity and has a major responsibility to ensure that persons who have language barriers are not excluded from participation in, denied the benefit of, or otherwise discriminated against when programs, services, or activities designed to improve Michigan’s infrastructure affect their communities.

MDOT is committed to ensuring that persons having language barriers are made equal participants early on in the development stages and throughout the life of a program, service, or activity, and that the public, the communities we serve, are allowed to provide input into those projects or plans that may have an impact on their well-being. It is MDOT’s intent to ensure fairness, equal opportunity, inclusion, and access by actively seeking input from persons who do not speak English or have difficulty communicating in English, regarding quality of life issues that directly affect them.

In accordance with *Presidential Executive Order 131666, Improving Access to Services for Persons with Limited English Proficiency (LEP)*, MDOT personnel have been made aware of LEP requirements. MDOT has examined the services it provides, and has developed and implemented a system by which LEP persons can meaningfully access those services consistent with the order. (See MDOT LEP Plan in Appendix viii)

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In consideration of the impact of its programs, services, and activities on limited English speaking populations, MDOT uses the following method to determine how to target populations to ensure inclusion in the transportation process.

Four Factor Analysis:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee/recipient;
2. The frequency with which LEP individuals come in contact with the program
3. The nature and importance of the program, activity, or service provided by the program to people's lives; and
4. The resources available to the grantee/recipient and costs.

To further ensure effectiveness of the LEP requirements, MDOT has done the following:

1. Administrators throughout the department have been advised of their responsibilities in regard to LEP.
2. Program area administrators have been advised that reasonable steps should be taken in order to ensure meaningful access to MDOT programs and activities by limited English speaking people.
3. Individuals planning public meetings understand their responsibility to review the population of the affected area to determine LEP needs and make requests that individuals advise them of special needs.
4. MDOT has contracted with an interpreter service which is available 24 hours per day, 7 days per week. All program area and region personnel have access to an immediate interpreter of more than 100 languages. This service is available by contacting:

Bromberg & Associates
3320 Caniff St.
Hamtramck, Michigan 48212
Phone: 313-871-0080
Fax: (888) 225-1912
E-mail: translator@brombergtranslations.com

5. Critical information has been printed and distributed in languages other than English where necessary, including Arabic and Spanish.
6. I-Speak cards have been distributed to drivers of our Roadside Assistance Program and Welcome Centers.
7. MDOT's LEP Plan has been developed and is included in Appendix G of this document.
8. The MDOT Public Involvement Plan (PIP) will also be utilized to identify low-income populations, minority populations, the elderly, and persons with disabilities who may also be LEP, so they are included in the public involvement

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and engagement process. The MDOT PIP can be viewed on the Title VI website.

In addition to the aforementioned measures, MDOT is pleased to designate the following individuals as language resources to help facilitate communication between limited English-speaking persons, stakeholders, contractors, and project managers in the public involvement and participation process.

MDOT LIMITED ENGLISH PROFICIENCY (LEP) VOLUNTEERS

LANGUAGE	EMPLOYEE	PHONE	SPEAK	READ	WRITE
AMERICAN SIGN LANGUAGE	Susan Laurin	989-754-0784 x 221			
AMERICAN SIGN LANGUAGE	Brian Walsh	517-241-2735			
ARABIC	Mohammad Hammad	517-335-2032	X	X	X
ARABIC	Ghazi Musfata	517 - 324-2285	X	X	X
ARABIC	Najim Salman	517-241-2181	X	X	X
FARSI	Gisso Shams	517-241-0232	X	X	X
FRENCH	Jeanne Day-Labo	517- 373-9246	X	X	X
FRENCH	Michael Odette	248-483-5192	X	X	X
GERMAN	Diane Hayes	517-750-0404	X	X	X
GUJARATI	Raman Patel	248-483-5123	X	X	X
HINDI	Raman Patel	248-483-5123	X	X	X
HINDI	Gian Taneja	517-322-6181	X	X	X
MANDARIN	Zhizhen Liu	269-337-3932	X	X	X
PUNJABI	Gian Taneja	517-322-6181	X	X	X
RUSSIAN	Levon Arakelov	517-241-0081	X	X	X
RUSSIAN	Ken Tiffany	517-373-2625	X	X	X
SPANISH	Jose Garcia	517-373-0075	X	X	X
SPANISH	Michael Odette	248-483-5192	X	X	X
TAGALOG	Angel Fandialan	517-335-2577	X	X	X
TURKISH	Michael Odette	248-483-5192	X		
URDU	Mohammad Azam	517-636-0832	X	X	X
BRAILLE	Carrie Martin	517-373-9424	Michigan Commission for the Blind		

Environmental Justice

MDOT will continually monitor projects and programs prior to implementation that may have an adverse impact on the public and communities. MDOT will continually seek public involvement and participation to identify, discuss, and mitigate potential adverse impacts related to the environment, air quality, noise levels, displacement, congestion, and other situations that may present adverse concerns to communities directly or

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indirectly affected by projects and programs. (See MDOT Environmental Justice Plan on the MDOT Web site: <http://www.michigan.gov/titlevi>)

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II. NON-DISCRIMINATION POLICY STATEMENT


The Michigan Department of Transportation (MDOT) is committed to ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. MDOT assures that no person shall on the grounds of race, color, national origin, religion, sex, age, or disability, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any MDOT service, program, or activity, whether or not the program, service, or activity receives federal financial assistance. The department further assures that every effort will be made to prevent or correct discrimination through the impacts of its programs, policies, and activities on any person, including minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

Title VI is a condition of receipt of federal funds. In the event MDOT distributes federal funds to a sub-recipient, the sub-recipient will include Title VI assurances in all written agreements and will monitor for compliance. Assurance of compliance therefore falls under the proper authority of the recipient (MDOT), pursuant to this budgetary authority and responsibility. The director is authorized to ensure compliance with provisions of this policy and with the law, including the requirements of 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

MDOT will comply with all federal regulations and report complaints of discrimination to the federal agency responsible for compliance oversight including the U.S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Department of Justice (DOJ), and other state and federal civil rights anti-discrimination agencies as required by law. Complaints will be responded to and investigated by the MDOT Equal Employment Opportunity/Title VI Specialist.



Kirk T. Steudle, P.E., Director



Date

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III. STATE ASSURANCES FOR NON-DISCRIMINATION

Pursuant to the requirements of Section 22(a) of the Federal-Aid Highway Act of 1968, The State of Michigan, desiring to avail itself of the benefits of Chapter 1, Title 23, United States Code, and as a condition to obtaining the approval of the Secretary of Transportation of any programs for projects as provided for in Title 23, United States Code, Section 105(a), hereby gives its assurance that employment in connection with all proposed projects approved on or after Aug. 23, 1968, will be provided without regard to race, color, religion, sex, age, or national origin.

More specifically, and without limiting the above general assurance, the Michigan Department of Transportation hereby gives the following specific assurances:

1. The Michigan Department of Transportation will establish an equal opportunity program in furtherance of the above general assurance, which shall include a system to ascertain whether contractors and sub-contractors are complying with their equal employment opportunity contract obligations and the degree to which such compliance is producing substantial progress on the various project sites in terms of minority group employment. The Michigan Department of Transportation will furnish such information and reports regarding contractor and sub-contractor compliance as may be requested by the FHWA.
2. The Michigan Department of Transportation's transportation program shall include effective procedures to assure that discrimination on the grounds of race, color, religion, disability, sex, age, or national origin will not be permitted on any project and if discrimination exists at the time this assurance is made it will be corrected promptly.
3. The Michigan Department of Transportation has appointed an Equal Opportunity Officer whose primary duty shall be to administer MDOT's Equal Employment Opportunity Program as established pursuant to these assurances.
4. The Michigan Department of Transportation will, on its own initiative, take affirmative action, including the imposition of contract sanctions and the initiation of appropriate legal proceedings under any applicable state or federal law to achieve equal employment opportunity on federal-aid highway projects and will actively cooperate with the Federal Highway Administration in all investigations and enforcement actions undertaken by the Federal Highway Administration.
5. The Michigan Department of Transportation will establish and maintain effective liaison with public and private agencies and organizations which are, or should be, involved in equal opportunity programs. Such agencies and organizations include, but are not limited to labor unions, contractor associations, minority group organizations, the U.S. and State Employment Services, the U.S. and State Department of Labor.
6. The Michigan Department of Transportation hereby agrees that it will seek the cooperation of unions, contractors, appropriate state agencies and other related organizations in the establishment of skill training programs, and will assure that


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all persons will have an opportunity to participate in such programs without regard to race, color, religion, disability, sex, age, or national origin.

7. The Michigan Department of Transportation hereby agrees that its own employment policies and practices with regard to Michigan Department of Transportation employees any part of whose compensation is reimbursed from Federal funds will be without regard to race, color, religion, disability, sex, age, or national origin.
8. The Michigan Department of Transportation shall include the advertised specifications notification of the specific equal employment opportunity responsibilities of the successful bidder as those responsibilities are currently defined and required by the Federal Highway Administration. No requirement or obligation shall be imposed as a condition precedent to the award of a contract for a project unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications. Procedures for the prequalification of Federal-aid contractors and sub-contractors to determine their capability to comply with their equal employment opportunity contract obligations will be issued as a supplement to this interim assurance for implementation by Dec. 1, 1968.
9. The Michigan Department of Transportation will obtain and furnish to the Federal Highway Administration such information and reports as may be requested to enable the Federal Highway Administration to determine compliance by the Michigan Department of Transportation with this assurance.



Director



Dated

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IV. REGULATORY REQUIREMENTS

Title VI of the Civil Rights Act of 1964 and related statutes provide that no person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, receiving federal financial assistance. MDOT, as a recipient and distributor of federal funds must take affirmative steps to ensure that discrimination, as addressed by Title VI does not occur, and must perform the following actions in order to comply with federal requirements under 23 CFR Part 200 and 49 CFR Part 21:

1. **23 CFR 200.9(b) (1)** – Establish a civil rights unit and designate a coordinator.
2. **23 CFR 200.9(b) (2)** – Adequately staff the civil rights unit to effectively implement state civil rights requirements.
3. **23 CFR 200.9(b)(3)** – Develop procedures for prompt processing and disposition of Title VI and Title VII complaints received directly by the state and not received by FHWA, FTA, or FAA.
4. **23 CFR 200.9(b)(4)** – Develop procedures for the collection of statistical data (race, color, religion, sex, and national origin) of participants in, and beneficiaries of state highway programs, i.e., relocatees, impacted citizens and affected communities.
5. **23 CFR 200.9(b)(5)** – Develop a program to conduct Title VI reviews of program areas, i.e., Transportation Planning, Real Estate, Passenger Transportation, Aeronautics and Freight Services, Highway Development, Office of Business Development, etc.
6. **23 CFR 200.9(b) (6)** – Conduct Title VI reviews of special emphasis areas to determine the effectiveness. Some of MDOT's special programs include, the Disadvantaged Business Enterprise (DBE), On-the-Job Training (OJT) Program, Engineering Apprenticeship Program, Student Assistant programs, etc.
7. **23 CFR 200.9(b) (7)** – Conduct Title VI reviews of cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients of federal funds.
8. **23 CFR 200.9(b) (8)** – Review MDOT directives in coordination with state program officials and, where applicable, include Title VI and related requirements.
9. **23 CFR 200.9(b) (9)** – Conduct training programs on Title VI and related statutes for state program and civil rights officials.
10. **23 CFR 200.9(b) (10)** – Prepare a yearly report of Title VI accomplishments for the past year and goals for the next year.

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11. **23 CFR 200.9(b) (11)** – Submit updated Title VI implementing plan to the Regional Federal Highway Administrator (FHWA) for approval or disapproval.
12. **23 CFR 200.9(b) (12)** – Develop Title VI information for dissemination to the general public, where appropriate, in languages other than English.
13. **23 CFR 200.9(b) (13)** – Establish procedures for pre-grant and post-grant approval reviews of state programs and applicants for compliance with Title VI requirements.
14. **23 CFR 200.9(b) (14)** – Establish procedures to identify and eliminate discrimination where found.
15. **23 CFR 200.9(b) (15)** – Establish procedure for promptly resolving deficiency status and reducing to writing remedial action agreed to be necessary, within a period not to exceed 90 days.
16. **Executive Order 12898** – Ensure that Environmental Justice principles are integrated into procedures and programs.
17. **Executive Order 13166** – Ensure that appropriate LEP processes and procedures are implemented.

Related Laws and Statutes

18. **Civil Rights Restoration Act of 1987** – Restores the original intent of Title VI to require that all programs are covered whether they are federally funded or not.
19. **Section 504 of the Rehabilitation Act of 1973** – Prohibits discrimination on the basis of a disability
20. **American's With Disabilities Act of 1990** – Prohibits discrimination on the basis of a disability
21. **Section 324 of the Federal-Aid Highway Act** – Prohibits discrimination on the basis of sex
22. **Uniform Relocation Assistance and Real Property Acquisition Act of 1970**
23. **42 USC 6101** – Prohibits Age discrimination in any program receiving federal financial assistance
24. **49 CFR Part 21 and 23 CFR Part 200** - Describes U.S. DOT and FHWA prohibitions against discrimination
25. **Title VII of the Civil Rights Act of 1964** – Prohibits discrimination on the basis of race, color, religion, sex, and national origin
26. **Michigan's Elliott-Larsen Civil Rights Act** – Prohibits discrimination on the basis of based on race, color, religion, sex, national origin, height, weight, and marital status

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V. STRUCTURE FOR ORGANIZATIONAL OVERSIGHT AND COMPLIANCE

The Director of the Michigan Department of Transportation is responsible for ensuring that all internal program areas and external recipients of federal funds are in compliance with Title VI and related statutes, including Executive Orders. The Director has appointed a statewide Civil Rights Program Coordinator (hereinafter referred to as the MDOT EEO Officer) and an Interdisciplinary Team for the implementation and management of the Title VI Program Plan Guidelines. The MDOT EEO Officer will provide oversight for the coordination of the day-to-day administration of the Title VI Program in conjunction with MDOT bureaus, offices, regions, and the Interdisciplinary Team. The MDOT EEO Officer and the Interdisciplinary Team shall report to the Director on all matters related to MDOT civil rights programs.

Bureau directors, office and division administrators, and region engineers have oversight of their respective program areas and are responsible for compliance with the requirements of the Title VI Program, E.O. 12898, and E.O. 13166, and related civil rights statutes. They are responsible for assuring that issues or complaints regarding Title VI and related statutes are promptly reported to the MDOT EEO Officer for appropriate action. They are also responsible for supporting the Title VI Interdisciplinary Team Coordinators in their efforts to ensure compliance with Title VI.

The MDOT EEO Officer and the Interdisciplinary Team are required to gather required data for reporting annual accomplishments and to provide updates to the Federal Highway Administration (FHWA). All department program areas have Title VI responsibilities and MDOT must ensure that bureau and office directors, region engineers and division administrators recognize their role and responsibility in ensuring compliance. Organizational areas and positions responsible for ensuring compliance include the following:

A. Office of the Director

1. MDOT EEO Officer (Title VI Statewide Coordinator)
 - a) Title VI Department Technician
 - b) Title VI Interdisciplinary Team
2. Mackinac Bridge Authority
3. Office of High Speed Rail and Innovative Projects Advancement

B. Chief Administrative Officer

1. Bureau of Transportation Planning, Bureau Director
 - a) Statewide Planning Division Administrator
 - b) Project Planning Division Administrator
 - c) Asset Management Division Administrator
 - d) Intermodal Policy Division Administrator

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2. Bureau of Finance and Administration, Bureau Director
 - a) Financial Operations Division Administrator
 - b) Contract Services Division Administrator
 - c) Department Services Division Administrator
 - d) Performance Excellence Division Administrator
3. Aeronautics and Freight Services, Bureau Director
4. Sault Ste. Marie International Bridge Administration, General Manager

C. Chief Operations Officer – Highway Operations

1. Bureau of Highway Delivery Director
 - a) Construction and Technology Division Administrator
 - b) Operations Division (Maintenance) Administrator
 - c) Safety and Security Administration
2. Bureau of Highway Development Director
 - a) Design Division Administrator
 - b) Real Estate Division Administrator
3. Regions
 - a) Bay Region Engineer
 - b) Grand Region Engineer
 - c) Metro Region Engineer
 - d) North Region Engineer
 - e) Southwest Region Engineer
 - f) Superior Region Engineer
 - g) University Region Engineer
4. Office of Business Development Administrator
5. Office of Operations Administrative Services Administrator
6. Office of Research and Best Practices Director

D. Chief Deputy Director

1. Office of Governmental Affairs Director
2. Office of Communications Director
3. Office of Economic Development
4. Bureau of Passenger Transportation

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VI. PROGRAMMATIC ROLES AND RESPONSIBILITIES

The following sections describe the programmatic responsibilities of a bureau director, office or division administrator or region engineer.

A. Office of the Director

The MDOT Director reports to the Governor of the State of Michigan. The Director, in conjunction with the Chief Deputy Director, Chief Operations Officer, and the Chief Administrative Officer are responsible for ensuring compliance and implementation of the department's Title VI Plan and related civil rights statutes, directives, and regulations throughout the department. The Director has delegated the day-to-day implementation and monitoring responsibilities of the Title VI Plan and related civil rights statutes to the MDOT EEO Officer and the Interdisciplinary Team, with support and assistance from the MDOT Leadership Team.

1. MDOT EEO Officer/Title VI Statewide Coordinator

The MDOT EEO Officer, in conjunction with the Interdisciplinary Team and the Leadership Team, provides oversight to ensure non-discrimination in any program, service, or activity related to transportation; and to ensure that all program areas are in compliance with Title VI and related state and federal civil rights regulations. The duties of the Title VI coordinator, in conjunction with the Interdisciplinary Team are as follows:

1. Monitor and review department programs, policies, and activities for Title VI compliance in primary and special emphasis areas;
2. Conduct Title VI reviews of all MDOT program areas;
3. Gather and analyze data gathered by the Interdisciplinary Team regarding Title VI impacts in Bureaus, Offices, and Regions and produce reports as required by federal authorities, including FHWA, FTA, and the U.S. Department of Transportation;
4. In accordance with CFR 21, Section 200.9(b) (10) & (11), an annual report of Title VI accomplishments for the past year is submitted to the FHWA at the end of the fiscal year. The report will compile the activities and accomplishments of all program areas, and shall demonstrate MDOT compliance with Title VI. Requirements for compliance are outlined in Section IV – Regulatory Requirements - of this Plan;
5. Conduct triennial Title VI reviews of sub-recipients, i.e., cities, counties, villages, suppliers, universities, and other recipients of federal funds;
6. Participate in Title VI reviews of Metropolitan Planning Organizations (MPOs) conducted by FHWA;

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7. Collect and review statistical data (race, color, sex, age, disability or national origin) of participants and beneficiaries of state highway programs, e.g., relocatees, affected citizens, and impacted communities, to prevent or eliminate potential disparate impact or disparate treatment discrimination;
8. Conduct awareness training on Title VI, Environmental Justice, LEP and other related statutes for MDOT employees, and sub-recipients of federal transportation funds to identify, prevent and eliminate discrimination;
9. Prepare a yearly report of Title VI accomplishments and goals, as required by federal authorities;
10. Attend DBE conferences and other civil rights seminars to stay abreast of federal requirements, implementation, and expectations by the federal government;
11. Update Title VI Program Guidelines as necessary to ensure maximum effectiveness and compliance;
12. Develop and maintain an internal and external website for dissemination of Title VI information and related statutes, directives, and regulations to the general public and, in languages other than English;
13. Draft and develop correspondence, literature, publications, and brochures for dissemination to the public, and in languages other than English based on community demographics;
14. Ensure completion and dissemination of the Environmental Justice and LEP Plans;
15. Establish procedures for promptly resolving deficiency status and reduce to writing the appropriate remedial action. Ensure deficiency status is corrected within a period not to exceed 90 days;
16. Receive, promptly process, and resolve Title VI complaints against sub-recipients, and provide assistance to federal authorities when the complaints are against the state highway agency.

a) Title VI Department Technician

The purpose of this position is assist the MDOT EEO Officer in implementing and monitoring civil rights programs in compliance with state and federal law: Title VI, Environmental Justice, LEP, Title VII, MELCRA, ADA/504 of the Rehabilitation Act, Title II and other related statutes. This position will assist in ensuring that MDOT's program areas and their functions, comply with federal mandates to prohibit discrimination in the aforementioned civil rights laws. As the

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assistant, this position must work in cooperation with the MDOT EEO Officer to provide oversight for monitoring, implementation, and production of reports of all program activities including, complaint investigation and reporting, training, compliance reviews of sub-recipients, organization and compilation of records and databases, interpretation of demographic information, annual reports, and other related program activities as they may arise. The incumbent will be privy to sensitive information and is expected to maintain confidentiality.

b) Title VI Interdisciplinary Team

In January 2002, the MDOT Director supported the implementation of the MDOT Title VI Interdisciplinary Team. The Director invited MDOT bureau directors, administrators, managers, and region engineers to attend a Title VI implementation session conducted by the FHWA, Midwestern Resource Center, and the Wisconsin DOT. As a result of the meeting, the "Title VI Interdisciplinary Team" was established. The impetus for the formulation of this team was based on guidance provided by FHWA *"Preventing Discrimination in the Federal-Aid Program: A Systematic interdisciplinary approach."* MDOT's Title VI Interdisciplinary Team is made up of individuals designated as coordinators from each program area and region. The interdisciplinary team approach to Title VI compliance provides an opportunity for Coordinators to work together to develop procedures related to Title VI compliance. This approach also helps to prevent the duplication of efforts and provides a forum for sharing concerns, ideas, and problem solving related Title VI compliance and impacts.

Interdisciplinary Team Coordinators are responsible for monitoring whether procedures and practices within their respective areas are applied fairly, equitably, and in a nondiscriminatory manner in accordance with Title VI, E.O. 12898 (Environmental Justice), and E.O. 13166 (LEP). The MDOT EEO Officer serves as the chair of the Interdisciplinary Team, and works with them to resolve issues having Title VI impacts. Coordinators gather and provide data to the MDOT EEO Officer for the annual update and accomplishment required by the FHWA.

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INTERDISCIPLINARY TEAM COORDINATORS

<u>Name</u>	<u>Bureau/Office</u>	<u>Phone Number</u>
Adams, Frank	Office of Business Development	(248) 967-0570, ext. 212
Azam, Mohammad	Construction and Technology	(517) 636-0832
Becker, Phil	International Bridge Administration	(906) 635-5255, ext. 112
Bevins, Vince	Superior Region	(906) 786-1830, ext. 315
Edwards, Julie	Metro Region	(248) 483-5114
Finch, Mary	Federal Highway Administration	(517) 702-1853
Harden, Darrell	Southwest Region	(269) 337-3134
Hostettler, Lori	Bureau of Passenger Transportation	(517) 373-2907
Hudson, Cheryl	Executive Bureau	(517) 373-0980
Langhorst, David	North Region	(989) 731-5090, ext.345
Kowatch, Germaine	Construction and Technology	(517) 322-1741
Luo, Elaine	Bureau of Passenger Transportation	(517) 335-2552
Martin, Kari	University Region Planner	(517) 750-0407
Mullins, Jill	Contract Services Division	(517) 373-1576
Noblet, Lori	Bureau of Transportation Planning (Environmental Justice)	(517) 335-2906
Parsons, Bob	Bureau of Transportation Planning	(517) 373-9534
Peterson, Brad	Design Division	(517) 335-1912
Redmond, Steve	Grand Region	(616) 451-3095
Reithel, Jay	Bay Region Planner	(989) 754-0878, ext. 231
Shams, Gisso	Traffic and Safety	(517) 241-0232
Sims, Ralph	Aeronautics & Freight Services	(517) 335-9458
Walsh, Brian	Real Estate Division	(517) 241-2735
Watson, Karen	Maintenance Division	(517) 322-3306
Williams, Ola	Bureau of Transportation Planning	(517) 241-1237

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2. Mackinac Bridge Authority

The Mackinac Bridge Authority is responsible for setting tolls and fees for use of the bridge, and policy for its operations, preservation, and maintenance. The Mackinac Bridge Authority is committed to preserve and maintain the State of Michigan's single largest asset and one of the world's leading suspension bridges.

Monitoring

1. Ensure the administrative policies and procedures for monitoring the operation and maintenance of the bridge are applied in a non-discriminatory manner.

Annual Review

1. Report of the proceedings, operation and financial condition of the Authority Board and the bridge to the Governor;
2. Independent financial audit report;
3. Twenty-Year Business Plan;
4. Number of complaints made by traveler's via the bridge.

3. Office of High Speed Rail and Innovative Projects Advancement

The Office of High Speed Rail and Innovative Projects Advancement (HSR&IPA) is responsible for assuring activities related to passenger rail: light rail; commuter rail; intercity rail and high speed rail, as well as the development and implementation of projects using alternative delivery methods including: public private partnerships and design build finance projects are executed in accordance with Title VI. HSR&IPA anticipates receiving and administering funds from more than one U.S. Department of Transportation agency.

Currently, HSR&IPA has projects selected for grant awards from the Federal Railroad Administration (FRA) and the Federal Transit Administration (FTA). These two federal agencies have Title VI guidelines and reporting requirements independent of the FHWA Title VI guidelines and requirements. Therefore, HSR&IPA will be following the requirements of those federal agencies to assure compliance with Title VI for their respective programs. This office will take the lead on Title VI compliance and reporting for FRA programs for MDOT since the majority of FRA funds received by MDOT will be for passenger rail. (Freight Services and Safety Division are potential recipients of FRA grants, although they have not received any FRA grants in recent years.) HSR&IPA will provide any Title VI information required for FTA rail passenger grants to the Bureau of Passenger Transportation (BPT) as BPT administers the majority of FTA grants for MDOT.

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In the future, if HSR&IPA has projects selected for grant award by FHWA, the office will coordinate with the other areas of MDOT that administer FHWA grants, and MDOT's EEO Officer, to assure compliance with FHWA's Title VI guidelines and reporting requirements.

Monitoring

HSR&IPA will comply with the Title VI monitoring requirements of FRA and FTA. If the office has projects selected for grant award by FHWA, the office will coordinate with the other areas of MDOT that administer FHWA grants, and MDOT's EEO Officer, to assure compliance with FHWA's Title VI monitoring guidelines.

Annual Review

HSR&IPA will comply with the Title VI review requirements of the FRA and FTA. If the office has projects selected for grant award by FHWA, the office will coordinate with the other areas of MDOT that administer FHWA grants, and MDOT's EEO Officer, to assure compliance with FHWA's Title VI annual review requirements.

B. Chief Administrative Officer

1. Bureau of Transportation Planning

The Bureau of Transportation Planning is primarily responsible for assuring that multi-modal planning and the results of that planning are executed in accordance with Title VI. The Bureau Director will appoint a Title VI interdisciplinary team coordinator to assist with this responsibility. This process requires consideration of social, economic, and environmental effects of a proposed plan or program on identified groups to avoid biased programs. The Team Coordinator also monitors the transportation planning activities of the various Metropolitan Planning Organizations to ensure consistency with Title VI compliance requirements. The elements to be monitored include the following:

a) Statewide Transportation Planning Administrator

Monitoring

1. The overall strategies and goals of the transportation process are to ensure Title VI compliance by monitoring the utilization of demographic information to identify minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations and examine distributions of the benefits/burdens of the transportation plans and activities of these groups;
2. The service equities of the planning data collection and analysis for impacts on different socio-economic groups;

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3. The public involvement processes to improve performance and take action to reduce participation barriers for minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations;
4. Environmental Justice (E.O. 12898) issues to identify and locate minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations that may be impacted by transportation planning programs;
5. Compliance with E.O. 13166, LEP, to improve access and understanding of transportation planning processes for those persons in the population who have language barriers in speaking, writing, and understanding English;
6. Efforts made to assure that female and minority-owned firms have an equal opportunity to participate in consultant planning agreements;
7. Transportation planning accomplishments and problem areas.

Annual Review

The following information in the Bureau of Transportation Planning will be reviewed and provided in an annual report submitted to the MDOT EEO Officer at the end of the fiscal year:

1. Efforts made to engage minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations in the public outreach effort, and public outreach efforts made to utilize media targeted at these groups;
2. Methods to ensure that issues/concerns raised by minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations are considered in the decision making process;
3. Number of consultant planning agreements awarded and the dollar value; number of female and minority-owned firms with awarded dollar value;
4. Methods used to encourage the use of female and minority planning consultants and sub-consultants;
5. Number of public information meetings/open houses that were held including percentages of female and minority participation;

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6. Efforts made to take Environmental Justice concerns into consideration in the transportation process;
7. Title VI complaints received regarding transportation planning or public involvement process;
8. Significant accomplishments and actions planned for the ensuing year;
9. MDOT planning activities that originate in the regions will be monitored by the Region Title VI Interdisciplinary Team Coordinator.

b) Project Planning Division Administrator

The project development phase occurs between planning and construction where project impacts are more specifically defined, final location selected, and design prepared.

The division administrator for the Project Planning and Environmental Sections is responsible for assuring that the determination of environmental effects and resulting impacts and mitigating measures are executed in accordance with Title VI. The division/section will appoint a Title VI interdisciplinary team coordinator to assist with this responsibility. This process requires consideration of social, economic, and environmental effects of a proposed project to identify discriminatory issues and meet the intended transportation needs and goals of a community, and for protection and enhancement of the environment. Inclusion of all interested and affected persons in transportation projects will be a priority. To this end the Division/Section will:

Monitor

1. Monitor public involvement processes to improve participation and reduce barriers for minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations throughout the environmental clearance process;
2. Identification of mitigating measures when there is the potential for disproportionate or discriminatory impacts on minority populations, low-income populations, the elderly and persons with disabilities;
3. Monitor compliance with Environmental Justice (E.O. 12898) through the use of environmental studies to identify and locate minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations that are impacted by transportation projects and activities;

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4. Monitor compliance with E.O. 13166, LEP, to assure access and understanding of transportation projects and activities of those populations with language barriers;
5. Where consultant agreements are utilized for location studies, ensure that female and minority-owned consulting firms are afforded maximum opportunity to participate in such agreements;
6. Monitor environmental accomplishments and problem areas.

Annual Review

The following information in the Project Planning Division will be reviewed and provided in an annual report submitted to the MDOT EEO Officer at the end of each fiscal year:

1. Public involvement strategies for engaging minority populations, low-income populations, LEP populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations in transportation decision-making and for reducing participation barriers;
2. Whether the public involvement process is routinely evaluated and whether efforts were made to improve performance, especially with regard to minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations;
3. Efforts made to engage minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations in the public outreach effort, and public outreach efforts to reach media targeted to these groups;
4. Methods used to ensure that issues/concerns raised by minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations are appropriately considered in the decision-making process;
5. Number and type of environmental documents (Environment Impact Statements (EIS), Environmental Assessments (EA) – Finding of No Significant Impact (FONSI), Record of Decision (ROD) processed for the fiscal year;
6. Summary of Environmental Assessments or Environmental Impact Statements where minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations were adversely impacted and mitigation measures taken as a result;

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7. Number of consulting agreements involving environmental studies and their dollar value;
8. Number of public hearings/information meetings held and the meeting location; and representative participation based on the affected populations within the project area;
9. Efforts made to take Environmental Justice concerns into consideration in the environmental process;
10. Significant accomplishments and actions planned for the ensuing year.

c) Asset Management Administrator

The Asset Management Division of Bureau of Transportation Planning has the primary responsibility of assuring that while carrying out the objective to strategically manage our transportation system in a cost-effective and efficient manner, that it does so in accordance with Title VI.

Monitor

1. Ensure that the division adheres to MDOT and State of Michigan contracting policies and procedures when contracting for training materials, the collection of data, and related support material in the course of doing business;
2. Contracts awarded when providing ongoing statewide and specialized traffic monitoring services for MDOT must follow Title VI provisions as implemented by MDOT;
3. Administer statewide system traffic monitoring program, including development of travel measures required for management system development and federal reporting requirements, in consideration of and in compliance with Title VI;
4. Ensure that while providing support to MDOT's strategic planning Asset Management programs, they meet Title VI provisions;
5. Ensure that the bureau's training program is non-discriminatory in coordination, content, and implementation;
6. Ensure that while providing support to the Transportation Asset Management Council; it is done following MDOT and State of Michigan contracting policies and procedures;
7. Administer federal Highway Performance Monitoring System reporting in a non-discriminatory manor.

Annual Review

1. Yearly, the Asset Management Division will review our processes to insure compliance with Title VI requirements while addressing the objective to strategically manage our transportation system;

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2. The review will include the support provided to the Transportation Asset Management Council.

d) Intermodal Policy Administrator

The Intermodal Policy Division Administrator oversees analysis of and department responses to policy and legislative changes affecting transportation, including changes in funding, technology, land use policies, environmental concerns, intermodal issues, local government initiatives, and others, to identify emerging issues and analyze their effects on the transportation system, on revenue, and on commercial or personal travel. The Intermodal Policy Division assists the Michigan State Transportation Commission and Executive Management Team in analysis and policy development, and provides information an analysis for the implementation of those policies in the department, the Legislature, and Congress, as needed.

The planning activities of the division include: Non-motorized and Carpool Parking Lot Programs; Modal Planning Support to Passenger Transportation Services, Bureau of Freight and Aviation Services, Highway Delivery and Highway Development bureaus; Marine, Freight and Rail Passenger Planning Studies; Modal Project Implementation Activities; MDOT liaison to tribal governments in Michigan; Statewide Policy Initiatives; and Special Taskforces and Studies.

Monitor

1. Work with MDOT and local units of governments to provide training on ADA requirements and specifications within the public rights of way. This training is offered as a service to enhance planning and facility design for all pedestrians. It is not offered every year but is dependant on both interest and available funds. The ADA courses align with our staff responsibility as the Pedestrian & Bicycle Coordinator for the department;
2. Monitor transportation related legislation and policy development for effects on minority populations, tribal nations, low-income populations, persons with disabilities, all interested persons and affected Title VI populations as well as other considerations;
3. Record and track which carpool parking lots currently provide handicapped spaces using the Intermodal Management System. All new carpool lots, and lots that are resurfaced, are required to include at least two van accessible handicapped spots, with appropriate signs and markings. This requirement is described in the MDOT Road Design Manual;
4. Provide additional training on bicycle or pedestrian facilities to both MDOT employees and local communities. Over the past several years, policy staff have made a concerted effort to offer

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these trainings to economically distressed communities who often do not have the resources to otherwise obtain this type of specialized training.

Annual Review

The following information in the Intermodal Policy Division will be reviewed and provided in an annual report submitted at the end of each fiscal year.

1. An annual summary of ADA training, including locations and attendees, can be provided upon request;
2. Issues identified through this analysis will be discussed at the highest level of the department before an department position or recommendation is taken;
3. Maintain a relationship with the 12 federally recognized tribal governments in Michigan; monitor MDOT's actions for effects on Tribes and coordinate with them to resolve any issues;
4. There is a yearly survey of all the lots, and any issues identified are delegated to the Region Office/Transportation Service Center (TSC) for resolution;
5. Lists of the trainings and communities served can be provided upon request.

2. Bureau of Finance and Administration, Bureau Director

The Bureau of Finance and Administration has the primary responsibility of assuring that highway-contracting procedures are executed in accordance with Title VI. The division will appoint a Title VI Interdisciplinary Team Coordinator to assist them with this responsibility.

Monitor

1. Monitor federal-aid construction/consultant contracts and subcontracts to ensure they contain Title VI assurances;
2. Ensure that the appropriate training special provisions are included in prime and sub-contractor contracts;
3. Establish the appropriate level of DBE participation on federal-aid highway construction projects;
4. Identify areas of concerns or barriers to successful participation by female and minority firms on construction projects (i.e. bonding, cash flow, etc.);

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5. Establish procedures to review and monitor contractors and sub-contractors for compliance with Title VI;
6. Review corrective plans prepared by contractors when areas of deficiency with regard to Title VI deficiencies are identified;
7. Report construction contract complaints with potential Title VI implications to the MDOT EEO Officer immediately upon receipt.

Annual Review

The following information in the area Finance and Administration will be provided in an annual report to the MDOT EEO Officer no later than Oct. 31 of each year:

1. Number of construction contracts awarded and the dollar amount;
2. Number of contractors defaulting on contracts with DBE percentages;
3. Number of DBE contractors or sub-contractors defaulting on contracts;
4. Title VI complaints received during the reporting period;
5. Significant accomplishments and actions planned for the next fiscal year.

a) Financial Operations Division Administrator

See Contract Services Division responsibilities below.

b) Contract Services Division Administrator

The Contract Services Division (CSD) administers MDOT's contracting process, including bid lettings, contract awards, contractor and vendor payments, prequalification of contractors and consultants, and contract monitoring. In addition, CSD is responsible for the administration of the procurement of supplies, materials, equipment, services, printing, and minor routine road maintenance and non-construction/maintenance highway contracts.

Monitor

1. Ensure that Title VI provisions are contained in all contracts;
2. Monitor efforts made to ensure that female and minority contractors/vendors are provided equal opportunity to participate in the bidding process;
3. Monitor the prompt payment process of contractors to all sub-contractors including Disadvantaged Business Enterprises;

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4. Ensure that all issues or complaints regarding Title VI are promptly reported to the MDOT EEO Officer;

Annual Review

1. Number of DBE prequalification reviews, approvals and denials by sex and ethnicity;
2. Gather and provide data for the MDOT EEO Officer for the annual update and accomplishment report required by the FHWA;
3. Number of DBE (minority and female-owned) firms utilized and the dollar amount of the contracts;
4. Complaints received from DBEs and other sub-contractors regarding prompt pay.

c) Department Services Division Administrator

The Department Services Division (DSD) is responsible for providing various technical, administrative, logistical, and facilities related services that support MDOT operations are provided in accordance with Title VI. DSD ensures that: ergonomic assessments are performed in a non-discriminatory manner; that office size and configuration and the allocation of office space are based on MDOT standards and are applied in a non-discriminatory manner; and that in conjunction with the Office of Communications, ensure that publications, presentations and other prepared materials, photographs and video productions recognize Michigan's diversity and are not offensive.

Monitor

1. Review any ergonomic assessments to ensure that they are performed in a non-discriminatory manner;
2. Review all space designs to ensure that the allocation of space is based on MDOT standards and are applied in a non-discriminatory manner;
3. Review all publications, presentations, photographs and video productions that are produced by the Department Services Division to ensure they recognize Michigan's diversity and are not offensive;
4. Report any complaints with potential Title VI implications to the MDOT EEO Officer immediately upon receipt.

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Annual Review

1. The Department Services Division will review space allocation processes to ensure that office space allocation standards are followed;
2. Review processes to ensure that publications and presentations, and photographs and video clips featured in any publication or presentation are produced in accordance with MDOT's communication policy.

d) Performance Excellence Division Administrator

The Performance Excellence Division is primarily responsible for providing business skills training for department staff.

Monitor

1. Ensure the policies and procedures for providing business skills training are applied in a non-discriminatory manner;
2. Ensure trainers adhere to MDOT policies of non-discrimination;
3. Ensure accessibility and reasonable accommodations are made for all participants requiring an accommodation.

Annual Review

The following information in the area of Performance Excellence will be provided in an annual report to the MDOT EEO Officer, no later than Oct. 31 of each year:

1. Information on the number of participants in classes provided by the department, including gender and race;
2. Information on the number of participants in the department's Education Support Program, including gender and race;
3. Report any complaints of discrimination to the MDOT EEO Officer.

3. Aeronautics & Freight Services, Bureau Director

The Bureau of Aeronautics & Freight Services (BAFS) Director is primarily responsible for assuring that Aeronautics and Freight projects are executed in accordance with Title VI.

The BAFS will comply with the Title VI monitoring requirements of FAA. If the bureau has projects selected for grant award by FHWA, the bureau will coordinate with the other areas of MDOT that administer FHWA grants, and MDOT's EEO Officer, to assure compliance with FHWA's

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Title VI monitoring guidelines. If the bureau has projects selected for grant award by FRA, the bureau will coordinate with the Office of High Speed Rail & Innovative Project Advancement (HSR&IPA) and MDOT's EEO Officer, to assure compliance with FRA's Title VI review requirements.

BAFS is the overall administrator of aviation programs, airport development, and new programs to further develop aviation. The bureau provides assistance to communities and the state, including air service coordination and development, and air transportation services to state personnel.

The bureau also regulates airport facilities and pilot safety. Each year, many of Michigan's airports are inspected for compliance with strict licensing requirements. Airport managers, flight schools and aircraft dealers also need to register annually with the bureau. The bureau is also involved in the publication of an aviation safety newsletter (via e-mail), aeronautical chart and directory, and conducts aviation safety programs statewide.

a) Freight Services and Safety Administrator

The Freight Services and Safety Division (FSSD) works to ensure that Michigan's rail system meets the transportation and economic needs of the state and that the system is safe for the motoring public and railroad employees.

Within the division, there are regulatory and program functions. Regulatory efforts include monitoring the physical conditions of railroad crossings and facilitating review to determine if safety enhancements at crossings would be appropriate. The division's programs provide funding for: safety enhancements at railroad crossings; rail infrastructure preservation and improvement projects as well as rail freight-related economic development projects. The division also directly preserves service on a portion of the system through the management of 530 miles of state-owned rail lines.

The FSSD Administrator is responsible for assuring activities related to rail freight are in compliance with the Title VI guidelines and reporting requirements of the Federal Railroad Administration (FRA). FRA's Title VI guidelines and requirements are independent of those of the Federal Highway Administration (FHWA). It has been many years, however, since FSSD has been the recipient of an FRA grant award.

MDOT has recently had several rail passenger projects selected for award by the FRA which will be administered by HSR&IPA. That office will take the lead on Title VI compliance and reporting for FRA programs for MDOT since the majority of FRA funds received by MDOT will be for passenger rail. FSSD will provide any Title VI

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information required by FRA rail freight grants to HSR&IPA since that office will be administering the majority of FRA grants for MDOT.

Monitor

This division will comply with the Title VI monitoring requirements of FRA. If FSSD has projects selected for grant award by FRA, the division will coordinate with HSR&IPA and MDOT's Title VI Statewide Coordinator, to assure compliance with FRA's Title VI monitoring guidelines.

Annual Review

This division will comply with the Title VI review requirements of FRA. If the division has projects selected for grant award by FRA, the division will coordinate with HSR&IPA and MDOT's Title VI Statewide Coordinator, to assure compliance with FRA's Title VI review requirements.

b) Airports Administrator

The Airports Division works with the Federal Aviation Administration and local political subdivisions to provide a balanced, safe system of airports, to enhance air transportation and the commerce of the state by implementing the State Airport System Plan. This includes preserving and maintaining the existing system and fostering expansion to meet capacity and user needs. The division administers the state airport development program, providing project management for the planning, programming, design, safety evaluation, and construction of airports throughout Michigan. The activities and services are prioritized to return to Michigan the maximum federal dollars to meet airport needs.

The Bureau of Aeronautics & Freight Services Airports Administrator is primarily responsible for assuring that aeronautics projects are executed in accordance with Title VI.

Monitor

1. Monitor Federal Aviation Administration (FAA) contracts and subcontracts to ensure that they contain Title VI provisions;
2. (Aeronautics) Establish the appropriate level of DBE participation on FAA-funded construction projects;
3. Ensure equal opportunity exists for female and minority-owned firms;
4. Identify areas of concerns or barriers to successful participation by female and minority firms on construction projects.

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Annual Review

1. Number of FAA-funded construction contracts and the dollar amount;
2. Number of DBE (minority and female-owned) firms utilized and the dollar amount of the contracts;
3. Significant accomplishments and actions planned for the ensuing year;
4. Efforts made to increase female and minority participation in obtaining contracts;
5. Efforts made to increase participation of female and minority-owned consulting and construction firms in the selection process;
6. Report complaints to the MDOT EEO Officer.

c) Aviation Services Administrator

The Aviation Services Division of the Bureau of Aeronautics and Freight Services carries out the responsibilities of the Michigan Aeronautics Commission as described in the Aeronautics Code of Michigan. These duties include bureau administration and management and support services, as well as Fiscal Coordination, the Air Service Program, the All Weather Airport Access Program, and the Air Transport Section.

Monitor

1. Ensure internal procedures are reviewed and updated as necessary to maintain Title VI compliance;
2. Report complaints with potential Title VI implications to the MDOT EEO Officer immediately upon receipt;
3. Ensure the administrative policies and procedures are applied in a non-discriminatory manner;
4. Number of air-traveler complaints; which are based upon discrimination, and forward these to the USDOT.

Annual Review

1. Significant accomplishments and actions planned for the ensuing year.

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4. Sault Ste. Marie International Bridge Administration, General Manager

The Sault Ste. Marie International Bridge Administration (IBA) is responsible for the operation and maintenance of the International toll bridge which connects Sault Ste. Marie, Michigan, to Sault Ste. Marie, Ontario. By virtue of an Intergovernmental Agreement signed by MDOT and the Canadian Government, the IBA is responsible for the entire bridge, including the portion located in Ontario. The agreement established roles and responsibilities of the IBA, as well as the eight-person bi-national governing board which the IBA reports to on bridge matters. As a joint operation, IBA needs to achieve a balanced staff of one-half U.S. residents and one-half Canadian residents.

Monitor

1. Ensure the administrative policies and procedures for monitoring the operation and maintenance of the bridge are applied in a non-discriminatory manner.

Annual Review

1. Report of the proceedings, operation and financial condition of the Authority Board and the bridge to the Governor;
2. Independent financial audit report;
3. Produce Five-Year Business Plan;
4. Number of complaints made by travelers via the bridge;
5. Number of public involvement meetings.

C. Chief Operations Officer – Highway Operations

1. Bureau of Highway Delivery Director

The Director of the Bureau of Highway Delivery has the responsibility to ensure that the operations within the bureau are performed consistently with MDOT standards, comply with federal and state regulations, and do not discriminate under Title VI and related civil rights statutes and Executive Orders.

a) Construction and Technology Division Administrator

Construction and Technology is responsible for the development and distribution of construction specifications, quality control/quality assurance programs, field consultation standards, and training in support of the region's delivery of the annual program.

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The division provides specialized engineering expertise to the regions and other divisions and maintains American Association of State Highway and Transportation Officials (AASHTO) accredited testing laboratories for all types of highway materials.

Monitor

Ensure that policies and procedures for monitoring construction activities are applied in a non-discriminatory manner.

Annual Review

All Title VI complaints received by the Construction and Technology Division are reviewed and resolved by the engineer and specialist in a timely manner.

b) Operations Division (Maintenance) Administrator

The Division of Operations has the primary responsibility of maintaining, preserving, and operating our integrated highway system. The division is made up of seven sections which include: Roadway & Facilities Operations, Structure & Sign Maintenance, Safety & Security Administration, System Operations & Management, Traffic Operations, Safety Programs and Signal Operations. The division has a Title VI coordinator who will work with staff to ensure compliance with all requirements.

Services provided by the division include emergency and maintenance bridge work, salt/sand usage reporting, contracting, statewide overhead sign, signal and sign fabrication. Other services include planning, design, construction, maintenance, and management of Michigan Welcome Centers.

Our Statewide Services Unit provides carpentry, electrical, plumbing and building services to the regions and central office staff statewide. The Adopt-A-Highway program is made up of volunteers designed to help keep the state's highway roadsides clean.

The ITS (Intelligent Transportation Systems) Unit uses advanced technology to provide traveler information to reduce traffic congestion and improve motorist safety.

The Traffic Incident and Management Unit provide a comprehensive program which includes incident tracking and the partnering with other stakeholders such as Fire and Law Enforcement to ensure safety for our motorists.

The Congestion and Mobility Unit provides congestion and mobility programs while the Work Zone Management and Mobility Unit

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provides training to staff statewide to ensure that work zone processes and regulations are followed.

Through innovation, partnerships with local agencies and program implementation, the division strives to meet the goal of Title VI while increasing mobility and safety on the highways.

Monitor

1. Monitor contract agency contracts including county and municipality to ensure they contain Title VI provisions;
2. Ensure that Title VI provisions are included in IDS and Chemical Storage contracts;
3. Monitor the sub-contracts over \$25,000 to make sure that the projects have been advertised and that competitive selection process was utilized;
4. Ensure that contract agencies have advertised and awarded contracts in accordance with Chemical Storage Facility Program guidelines and procedures;
5. Monitor the Adopt-A-Highway Program to ensure equal access to all volunteers;
6. Ensure that all issues or complaints regarding Title VI are promptly reported to the MDOT EEO Officer.

Annual Review

The following information will be provided in an annual report to the MDOT EEO officer no later than Oct.31 of each year:

1. Title VI complaints on sub-contracts and contracts;
2. Identify areas of concern or barriers to successful participation by female or minority firms on maintenance or construction projects;
3. Efforts made to monitor the sub-contracting process to ensure that correct contract procedures have been followed and that competitive bidding was used.

c) Safety and Security Administration

The Safety and Security Administration is responsible for the occupational health and safety of MDOT employees, ensuring environmental stewardship of MDOT facilities through audits and promoting awareness; emergency management coordination by reducing the risks of and managing the response to emergencies

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affecting transportation; and homeland security protection of MDOT's transportation infrastructure through risk assessment evaluations.

Monitor

1. Monitor documents and correspondences to MDOT employees, and outside entities, to ensure they are non-discriminatory;
2. Ensure that contract services, if required by the Safety and Security Administration, will be secured using appropriate practices to provide equal opportunity to potential vendors;
3. Ensure that facility and workplace inspections and reviews are conducted in a consistent and equitable manner.

Annual Review

1. Allow for direct feedback from the MDOT Statewide Safety Committee representatives to ensure that all safety and health related information is adequately communicated to MDOT's diverse workforce;
2. Discuss facility environmental audits with the Environmental Committee to ensure they are being applied in a consistent and equitable manner;
3. Discuss facility security reviews with the Emergency Operations Steering Committee to ensure there is no potential or inadvertent discrimination.

2. Bureau of Highway Development Director

The Director of the Bureau of Highway Development has the responsibility to ensure that the operations within the bureau are performed consistently with MDOT standards, comply with federal and state regulations, and do not discriminate under Title VI and related civil rights statutes and executive orders.

a) Design Division Administrator

The Design Division is responsible for providing and supporting the development of transportation project documents and services in support of the department's strategic goals and delivery of contracts on time and within budget. The division prepares construction plans and related contract documents for the construction/reconstruction of state highways, bridges, and related structures. In addition, they provide engineering data regarding utilities, drainage, and roadside development to be used for design documents of transportation projects. They are responsible for administering and coordinating projects designed by consultants. They develop and organize project study procedures and oversee multi-discipline project investigations to

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obtain engineering, planning and environmental data for analysis. They also assure plans and proposals are prepared in conformance with FHWA, AASHTO, and MDOT design procedures, principle standards and specifications. They coordinate and implement automated engineering systems and standards. They are responsible for administering the federal and state aid programs for local agencies; acquiring aerial mapping photography and produce topographic maps to be used for design/construction documents of transportation projects; and accumulating survey data for the use of Project Development, Road and Bridge Design Units and the Real Estate Support Area.

Monitor

1. Monitor the public involvement processes for Design Division initiated or managed projects to improve performance and reduce barriers to participation to minority populations, low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations;
2. Monitor compliance with the Americans with Disabilities Act on projects initiated or managed, or overseen by MDOT Design Division;
3. Monitor design exceptions for compliance with Title VI requirements;
4. Monitor compliance with E.O. 13166, LEP for public meetings initiated by Design Division to provide clear understanding of MDOT projects and programs;
5. Monitor compliance with Title VI requirements for projects initiated by local agencies with oversight by Design Division Local Agency Programs;

Annual Review

1. Number of public involvement meetings initiated by Design Division;
2. Adherence to the MDOT Design Manual to ensure projects are in compliance with the Americans with Disabilities Act;
3. Ensure community involvement and participation is considered in the design of projects including low-income populations and minority communities;
4. Number of complaints received related to the design of infrastructure in projects initiated and managed by the Design Division.

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b) Real Estate Division Administrator

The Real Estate Division is responsible for assuring the right-of-way acquisition process and the results of that process are executed in accordance with Title VI. This process includes property appraisals, negotiations with property owners, acquisition of properties and relocation of people and businesses. The division administrator will appoint a Title VI Interdisciplinary Team Coordinator to assist in gathering information for the Title VI report. The Real Estate Division will:

Monitor

1. Ensure the inclusion of Title VI provisions in fee appraiser, and negotiator contracts;
2. Monitor diversification in the use of fee appraisers and negotiators;
3. Monitor use of staff appraisers and consultants from the approved fee appraiser list;
4. Monitor efforts made to ensure that female and minority appraisers are provided equal opportunity to participate in the bid process;
5. Ensure equitable treatment of persons displaced by transportation projects, regardless of race, color, national origin, sex, or disability;
6. Monitor efforts taken to overcome language barriers during right-of-way negotiations;
7. Ensure internal procedures are reviewed and updated as necessary to maintain Title VI compliance during the right-of-way process.

Annual Review

The Real Estate Division will provide the following information in an annual report submitted to the MDOT EEO Officer no later than Oct. 31 each year:

1. Number of consultants utilized; number of female and minority consultant fee appraisers; efforts made to increase participation of female and minority consulting firms;
2. Number of staff utilized including the number of female and minority staff appraisers and efforts made to increase participation of females and minorities in the appraiser process;

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3. Efforts made to provide information in the appropriate language during negotiations include the number of times an interpreter was used;
4. Number of relocations of female, minority, elderly, low-income, and persons with disabilities;
5. Concerns raised, if any, by female, minority, elderly, low-income, and persons with disabilities who were relocated;
6. Number of relocation assistance contracts awarded; Number of female or minority firms utilized and efforts made to encourage female and minority firm bidding;
7. Title VI complaints received regarding the right-of-way process, i.e., appraisals, negotiations, relocation assistance and payments, failure to provide language assistance, failure to provide reasonable accommodation to persons with disabilities during the negotiation process;
8. Significant accomplishments and actions planned for the following year.

MDOT Real Estate activities that originate in the regions will be monitored by the Region Title VI Interdisciplinary Team Coordinator. The Coordinator will also inform Lansing Real Estate of what is reported.

3. Region Engineers

The state is divided into seven geographic regions. Each region handles engagement of stakeholders and partners, traffic operations, planning and design of transportation projects, construction administration, and roadway maintenance, as well as issuing permits for private use of the highway system right of way. Each region office provides oversight and program guidance. Between three and five transportation service centers in each region provide direct transportation projects and services.

- a) Bay Region
- b) Grand Region
- c) Metro Region
- d) North Region
- e) Southwest Region
- f) Superior Region
- g) University Region

Monitor

1. An Interdisciplinary Team coordinator is based in each region. They are responsible, acting with the authority of the region engineers, for monitoring whether procedures and practices within the region offices and TSCs are applied fairly, equitably, and in a non-discriminatory

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manner in accordance with Title VI, E.O. 12898 (Environmental Justice), and E.O. 13166 (Limited English Proficiency). Concerns regarding compliance are shared with the applicable region engineer to determine the appropriate actions;

2. Monitor federal-aid planning, scoping, surveying, geotechnical, design, right-of-way acquisition, traffic, construction, and other highway (motorized and non-motorized) activities assigned to the regions, to ensure compliance with Title VI provisions;
3. Monitor federal-aid planning, scoping, surveying, geotechnical, design, right-of-way acquisition, traffic, construction, and other highway (motorized and non-motorized) contracts and sub-contracts assigned to the regions, to ensure the sub-recipients comply with Title VI provisions;
4. Examples of related activities include, but are not limited to the following:
 - a. Ensuring that stakeholder and partner engagement efforts and project decisions consider Title VI provisions, including all necessary mitigation strategies.
 - b. Verifying that work activities contracted or sub-contracted to DBE sub-recipients are completed appropriately, offering training assistance when needed.
 - c. Confirming that sub-recipients and employees of sub-recipient receive timely and proper wages and payments, following timely contract payment and wage determination procedures.
 - d. Ensuring that sub-recipients properly post notices of Title VI provisions for their employees' awareness at each field location of contract work, reviewing the job posters at each project site.
 - e. Completing region real estate transactions in a manner consistent with provisions of Title VI and all other applicable laws.
 - f. Ensure that MDOT projects are constructed in accordance with current ADA standards. Address ADA complaints in accordance with current policy and procedures. Consult as needed with accessibility and mobility experts.

Annual Review

1. Coordinators gather and provide data to the MDOT EEO Officer for the annual update no later than Oct. 31 and accomplishment report required by the FHWA.

4. Office of Business Development Administrator

The Office of Business Development oversees management of the Reports & Analysis and Field Services Sections. Primary responsibilities include DBE goal setting, DBE conferences, as well as the implementation of all DBE supportive services activities, i.e., DBE program, development of initiatives supporting small businesses, DBE

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program training and support, DBE outreach, producing and updating DBE Program Procedures, DBE reimbursement programs, oversight of the Reports & Analysis analysts/staff, implementation of certification and compliance activities, (DBE certification, participating in the Michigan Unified Certification Program, DBE commercially useful function reviews, Equal Opportunity contractor compliance reviews, On-the-Job Training Program implementation and monitoring, and reporting activities to FHWA and MDOT leadership, oversight of the Field Services staff.

Monitor

1. Ensure that provisions of the DBE Program Procedures are being implemented with respect to federal-aid construction contracting and sub-contracting in a non-discriminatory manner.
2. Establish the appropriate level of DBE participation on federal-aid transportation construction projects.
3. Implement and monitor the On the Job Training (OJT) program.
4. Conduct Equal Opportunity (EO) Contractor Compliance reviews annually.

Annual Review

1. Number of DBE certification reviews, approvals and denials by sex and ethnicity of applicants.
2. Complaints received by complaint type, i.e., sex, ethnicity, and disposition.
3. Number, sex, and ethnicities of DBE firms receiving contracts in the fiscal year and the dollar amount.
4. Number, sex and ethnicities of OJTs placed/working in the fiscal year.
5. Number of contractor compliance reviews.
6. Number of contractors found in non-compliance with DBE, EO or OJT requirements by sex, ethnicity, and program.

5. Office of Operations Administrative Services Administrator

The primary responsibility of the Office of OAS is administrative and operational support to Highway Operations statewide. The core areas of responsibility are budget, personnel (including administration and oversight of the department's Co-op Program and Youth Development & Mentoring Program [YDMP]); information technology business needs, and audit liaison functions for Highway Operations statewide and also department/statewide for fleet and facilities administration and operations.

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Monitor

1. Ensure office administrative policies and procedures are applied in a non-discriminatory manner;
2. Ensure that Title VI assurances are contained in the terms of Fleet & Facilities contracts;
3. Ensure equal opportunity exists for minority and DBE owned companies;
4. Monitor the diversification in the selection of Co-op and YDMP applicants;
5. Address ADA facility complaints in accordance with current policy and procedures.

Annual Review

1. Gather and provide data to the MDOT EEO Officer for the annual update and accomplishment report no later than Oct. 31 as required by the FHWA;
2. Provide statistical information and reports including a demographic profile of the participants in the Co-op Program and the YDMP;
3. Number of Facilities and Fleet contracts awarded to DBEs.

6. Office of Research and Best Practices Director

The Interdisciplinary Team Coordinator for the Office of Research and Best Practices (ORBP) has the primary responsibility for assuring that aspects of transportation-related research projects are executed in accordance with Title VI. The process includes consultant/university selection and the diversification of research participants. The ORBP will:

Monitor

1. Ensure that Title VI assurances are contained in the terms of research agreements;
2. Monitor the diversification in the selection of universities and consultants;
3. Ensure equal opportunity exists for female and minority-owned consultant firms;
4. Monitor the utilization of females and minority students on research projects by contract universities;
5. Monitor research accomplishments and problem areas.

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The following information in the Office of Research and Best Practices will be provided in an annual report submitted to the MDOT EEO Officer no later than Oct. 31 each year:

1. Number of research agreements currently underway with universities and/or consultants and the dollar amount;
2. Efforts made to increase female and minority consultant participation in obtaining research contracts;
3. Possible concerns/barriers for female and minority consulting firms in obtaining research contracts;
4. Amount of federal Statewide Planning and Research funds spent on contract research;
5. Actions taken to encourage universities to utilize female and minority student participants on transportation research projects;
6. Percentage of female and minority participation in research projects;
7. Title VI complaints received regarding research projects;
8. Significant accomplishments and actions planned for the ensuing year.

D. Chief Deputy Director

The Chief Deputy Director provides oversight over special emphasis areas; Economic Development, Office of Communications, Governmental Affairs. The Director has the responsibility to ensure that special emphasis areas within the bureau comply with federal and state regulations, and do not discriminate under Title VI and related civil rights statutes and executive orders.

1. Office of Governmental Affairs Director

The Office of Governmental Affairs represents MDOT's interests as new or amendatory legislation is developed or moving through the legislative process. The office also works directly with legislators' offices regarding state and local transportation constituent concerns.

Monitor

1. Ensure that legislation having potential Title VI impact is brought to the attention of the MDOT Director;
2. Work with budget office relative to the appropriations process;

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3. Meet with regions to resolve legislative complaint or concerns.

Annual Review

1. Number of complaints received via the legislative liaison office, i.e., community impacts of significant projects or programs to ensure non-discrimination.

2. Office of Communications Director

The Office of Communications (OOC) represents MDOT's interests to the public and to the media. The OOC also provides guidance to MDOT personnel in preparing external communication regarding MDOT standards and style including newsletters, reports, brochures, fliers, Web copy, presentations and other forms of communication that are available to the public or to employees. The OOC also provides Freedom of Information Act (FOIA) requests to the public and must ensure compliance with any reasonable and legitimate request.

Monitor

1. Number of FOIA requests relative to Title VI complaints;
2. All documents, correspondence, presentations, information prepared for dissemination does not contain any offensive or discriminatory content;
3. Ensure public hearings are accessible to the public including LEP persons and persons with disabilities;
4. Provide a reasonable accommodation to persons requesting the same.

Annual Review

1. Number of complaints;
2. Number of public involvement meetings conducted;
3. Number of accommodations made at public meetings;
4. Number of interpreters utilized at public meetings.

3. Office of Economic Development Administrator

The goal of the Office of Economic Development is to administer three funds that may be utilized to improve the quality of life for Michigan citizens and residents through the creation of jobs and retention of the local tax bases in Michigan communities.

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Monitor

1. Ensure that non-discrimination occurs when deciding who to distribute funds/grants to for community projects;
2. Ensure that eligible recipients whose projects meet the minimum requirements will be encouraged to submit full applications for consideration.
3. Provide feedback to communities who were not successful in obtaining grants.

Annual Review

1. Number of complaints by minority communities;
2. Number of minority or disadvantaged communities considered for funding;
3. Number of jobs provided to minority populations and low-income populations;
4. Number of grants distributed to minority populations and low-income populations.

4. Bureau of Passenger Transportation Administrator

The Bureau of Passenger Transportation (BPT) Administrator is primarily responsible for assuring that all the public transportation programs managed by BPT are implemented in accordance with Title VI. These programs include public transit programs, intercity service program, and intercity capital program. Each program area will ensure federal funds are equitably distributed to the sub-recipients in accordance with Title VI and that all sub-recipients that receive federal funds through BPT comply with Title VI requirements. The Bureau Administrator has appointed a Title VI coordinator, through the Transportation Services Section (TSS) Manager, to assist with this responsibility. The Title VI coordinator works as a liaison between BPT and the MDOT Title VI coordinator as well as between BPT and the Federal Transit Administration (FTA) Region V Civil Rights specialist, for technical support related to Title VI requirements. The BPT Title VI coordinator also works with BPT's federal compliance review team Coordinators in developing Title VI compliance checklist; assisted TSS management in sending out letters to sub-recipients that outlined the Title VI requirements, developing samples for Title VI Plan and LEP (LEP) Plan to facilitate their development of these plans, as well as providing to the sub-recipients FTA Circular 4702.1A, Title VI and Title VI-Dependent Guidelines for FTA Recipients to enhance their understanding of the Title VI requirements.

The Bureau of Passenger Transportation reports its Title VI activities on a triennial basis, or as requested, to the FTA. If the bureau has projects

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selected for grant award by FHWA, the bureau will coordinate with the other areas of MDOT that administer FHWA grants, and MDOT's EEO Officer, to assure compliance with FHWA's Title VI monitoring guidelines.

Monitor

1. The majority of the bureau's efforts are focused on monitoring the delivery of federally funded programs by its sub-recipients, which consist primarily of local transit agencies and authorities and intercity bus carriers. BPT project managers monitor their sub-recipients through reviewing their LEP Plans and Title VI Plans, conducting triennial on-site federal compliance review, reviewing their Title VI Information form during the annual application process, and ensuring that all sub-recipients have a Title VI and EEO Compliance Application on file with MDOT.

2. Limited English Proficiency Plan

BPT requests that the sub-recipients perform a four-factor analysis per the USDOT LEP guidance, which includes:

- a. Determine the number of LEP persons eligible to be served or likely to be encountered by a program, activity, or service;
- b. Determine the frequency with which LEP persons come in contact with the program;
- c. Determine the importance of the program, activity, or service to people's lives;
- d. Determine the resources available and cost.

Sub-recipients are also required to report to their BPT project manager their results of four-factor analysis and submit a LEP Plan based upon their four-factor analysis. The project managers review the LEP Plan to ensure that the following elements are included:

- a. Identifying LEP individuals who need language assistance;
- b. Providing language assistance measures;
- c. Training staff regarding LEP procedures;
- d. Providing notice to LEP persons;
- e. Monitoring and updating the plan

The project managers approve the LEP Plan if all the elements are properly included. If the Plan does not meet the requirement, the project manager will suggest improvements until the requirements are met. After the Plan is approved both by the sub-recipients and the

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project managers, it is kept on file with BPT as part of the sub-recipient's Title VI Plan.

3. Title VI Plan

BPT requests that the sub-recipients submit a Title VI Plan to their BPT project managers. The project managers review the plan to ensure that the following elements are included:

- a. Title VI Plan Statement
- b. Title VI Coordinator Contact Information
- c. Title VI Information Dissemination
- d. Requirements for Sub-contracts and Vendors
- e. Record Keeping
- f. Title VI Complaint Procedures
- g. Summary of LEP Plan or a reference of the Plan
- h. Community Outreach

The project managers approve the Title VI Plan if all the elements are properly included. If the Plan does not meet the requirement, the project manager will suggest improvements until the requirements are met. After the Plan is approved both by the sub-recipients and the project managers, it is kept on file with the BPT for monitoring purposes.

4. Title VI Information Form

Sub-recipients are required to submit their Title VI Information Form during the annual application process in which they apply for federal financial assistance. The form addresses the following:

- a. Report any active lawsuits or complaints alleging discrimination based on race, color or national origin with respect to service or other transit benefits;
- b. Report any civil rights compliance review activities conducted within the last three years with regard to the sub-recipient's transportation program; and
- c. Describe the sub-recipient's efforts in ensuring that the level and quality of service will be provided without regard to race, color or national origin and that there is not a disparate impact on groups protected by Title VI of the Civil Rights Act of 1964 and the related statutes and regulations.

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BPT project managers review the form for completeness and report to their management if unsolved lawsuits or complaints are reported and provide assistance as necessary.

5. Triennial Federal Compliance Review

BPT project managers conduct triennial, on-site federal compliance reviews on the sub-recipients and Title VI review is one of the review areas. The Title VI review is conducted using the checklist that covers the following:

- a. Where is the Title VI information displayed?
- b. How does the agency ensure its sub-recipients are complying with Title VI?
- c. If your Title VI plan does not include a LEP plan because the four-factor analysis did not require one, since the last review, has any of the four-factors changed that might result in the need for an LEP plan?
- d. Since the last review, what outreach and involvement activities has the agency performed to seek out and consider the viewpoints of minority, low-income and LEP populations?
- e. Does the agency's service area have any LEP language group that exceeds 5 percent of the service area or 1,000 persons?
- f. If yes, does the agency provide written translations of vital documents in that/those languages(s)?

The project managers recommend improvements or require a corrective action plan from the agencies depending on the level of findings.

Annual Review

1. The number of sub-recipients that have approved Title VI plans including LEP requirements;
2. The number of sub-recipients that had a triennial review and the number of sub-recipients that had no Title VI issues;
3. Any Title VI outreach or training done in the past year;
4. Title VI complaints received regarding public transportation;
5. Summary of sub-recipients' efforts in ensuring that the level and quality of service will be provided without regard to race, color or national origin and that there is not a disparate impact on groups

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protected by Title VI of the Civil Rights Act of 1964 and the related statutes and regulations;

6. Composition of the Bureau of Passenger Transportation workforce by position, title, race and sex;
7. Significant accomplishments and actions planned for the ensuing year.

VII. TITLE VI PLAN DISTRIBUTION

The MDOT EEO Officer is responsible for ensuring that the FHWA-approved Title VI Plan is distributed and made available on the MDOT intranet and Internet. The plan shall serve as the basis for awareness training for MDOT compliance. The plan shall be translated into languages other than English, including Spanish and Arabic.

Internal Distribution:

1. Bureaus, Divisions, Offices, Regions, TSCs
2. Special Emphasis areas
3. Interdisciplinary Team Coordinators
4. MDOT employees via Web site access, or hard copies as requested
5. Office of Human Resources, Civil Service Commission
6. Project Managers
7. Contract Selections Teams

External Distribution:

1. Governor's Office
2. Legislature
3. Michigan Transportation Commissioners
4. FHWA Civil Rights Office
5. Sub-recipients of federal aid (cities, counties, universities, MPOs)
6. Available to the public via external Web site
7. Community Groups and Associations (Advocates for persons with Disabilities, Hispanic League, Urban League, etc.)
8. Native American Tribal organizations
9. Contractors and Consultants
10. Transportation Associations (MITA, AASHTO, etc.)
11. Federal and state civil rights agencies

Interested parties may access the Title VI plan via the following link:

<http://www.michigan.gov/titlevi>

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VIII. ACCOMPLISHMENTS REPORT

At the end of each fiscal year, the MDOT EEO Officer will provide a compiled annual Title VI Assurance and Compliance Update to the FHWA, based on all of the information gathered from all areas stipulated in the Title VI Plan. This report will highlight the accomplishments and changes made to the Title VI Program and will include reports provided by the Interdisciplinary Team Coordinators. The annual report will include Title VI complaints and reviews made during the fiscal year.

IX. ANNUAL WORK PLAN

1. Review prior fiscal year accomplishment report to determine upcoming fiscal years objectives;
2. Determine the number of Title VI reviews to be conducted for the fiscal year;
3. Conduct Title VI reviews of sub-recipients;
4. Determine areas where training is needed;
5. Conduct training for project managers, local public agencies, contractors, Disadvantaged Business Enterprises, and government entities;
6. Investigate complaints as they arise;
7. Develop Title VI information for dissemination, and in other languages, where appropriate;
8. Meet with Interdisciplinary Team, quarterly or as needed;
9. Provide information and updates to the Executive Leadership Team;
10. Attend Title VI training and updates;
11. Prepare annual fiscal year-based report by January of the following year;
12. Conduct an LEP assessment over the next two years. Note: MDOT LEP Plan is under construction

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X. COMPLAINT PROCEDURES

This complaint procedure covers the following nondiscrimination laws and related directives, and statutes: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, The Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act (ADA) of 1990.

Complaints of discrimination may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or has otherwise been subjected to discrimination under any program or activity receiving federal financial assistance from the Michigan Department of Transportation or any sub-recipient; and s/he believes the discrimination is based on race, color, national origin, sex, age or disability, socio-economic status or geographical location.

Complaint Reporting

- a. Any person who believes that he or she, individually, or as a coordinator of any specific group or class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with the MDOT. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the MDOT EEO Officer for review and action.

Complaints should be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.

- b. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the MDOT EEO Officer. If necessary, the MDOT EEO Officer will assist the complainant in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.
- c. Within 10 days, the MDOT EEO Officer will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as the FHWA and the USDOT.
- d. The MDOT EEO Officer will gather the following information for complaint processing and investigation:
 - i. Names, addresses, and phone numbers of the complainants
 - ii. Names and addresses of alleged discriminating officials
 - iii. Basis of complaint (i.e., race, color, national origin, sex, age, disability.)
 - iv. Date of alleged discriminatory act(s)

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- v. Date of complaint received by the recipient
 - vi. A statement of the complaint
 - vii. Other agencies (state, local or federal) where the complaint has been filed.
 - viii. An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint
- e. Within 60 days, the MDOT EEO Officer will conduct and complete an investigation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the State Transportation Agency (STA). The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report findings
- f. Within 90 days of receipt of the complaint, the MDOT EEO Officer will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with the USDOT, or the FHWA, if they are dissatisfied with the final decision rendered by the State.

“MDOT Title VI Complaint Form 0112” and “Title VI Complaint Procedure and Investigation Guideline Form 0113” are available in English and Spanish. Complainants shall complete and sign “MDOT Complaint Consent/Release Form 0198” outlining disclosure of the complainant’s identity in accordance with state and federal law. These forms can be found in Appendix F or on the Internet.

Investigations

A complaint may be filed against the recipient, contractor, sub-contractor, consultant, or supplier for illegal discrimination under Title VI and related statutes.

Complaints against MDOT will be investigated by the FHWA, FTA or other federal agency having jurisdiction. Complaints against a sub-recipient will be investigated by MDOT. Allegations of discrimination are taken very seriously and will be investigated in a timely manner. The MDOT EEO Officer will gather relevant information in a fair and impartial manner and will submit the report to the appropriate federal agency. This report will include the nature of the complaint, remedy sought, and a summary of the investigative findings and activities. A “MDOT Complaint Consent/Release Form 0198” shall be provided to all complainants.

The MDOT EEO Officer in conjunction with the appropriate area will determine the appropriate course of action, and the MDOT EEO Officer will prepare a Statement of Agency Decision reflecting the department’s final determination. The complainant and appropriate areas shall receive written notifications to the department’s decision. If the finding is adverse to the complainant, they will be advised of their avenues for appeal.

Copies of Title VI complaints and investigative reports will be forwarded to FHWA, FTA, or other federal agency having jurisdiction within 60 days of receipt and investigation of the complaint. Investigation files are confidential and will be maintained by the MDOT EEO Officer. The contents of such files may be disclosed

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to MDOT personnel on a need-to-know basis and in accordance with state and federal law. Files will be retained in accordance with MDOT's records retention schedule and federal guidelines.

Retaliation

Retaliation against any individual or group for filing a complaint, acting as a witness, or participating in an investigation is illegal, and a subsequent investigation may arise out of a retaliation claim even though the original complaint may be without merit.

XI. APPENDICES

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i. MDOT Title VI Assurances

The Michigan Department of Transportation (MDOT), (hereinafter referred to as the “Recipient”), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation (U.S. DOT), it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (herein after referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the U.S. Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (herein after referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7 (a) (1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its entire State Transportation Program:

1. The Recipient agrees that each “program” and each “facility” as defined in subsections 21.23(a) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to the Regulations.
2. The Recipient shall insert the following notification in solicitations for bids for work or material subject to the Federal Regulations made in connection with all State Transportation Programs, and in adapted form, in all proposals for negotiated agreements:

The Michigan Department of Transportation, in accordance with Title VI of the Civil Rights Acts of 1964, 78 Stat. 252, 42 U.S.C. 2000d-2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, national origin, or disability in consideration of this award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Federal Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, this assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance shall extend to the right to space on, over, or under such property.


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7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the MDOT State Transportation Program; and (b) for the construction or use of access to space on, over, or under real property acquired or improved under the MDOT State Transportation Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program except where the Federal financial assistance is to provide, or is in the form of personal property, or real property, or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he delegates specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by, or pursuant to, the Act, the regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, transferees, successors in interest and other participants in the Federal-Aid Transportation Program. The person or persons whose signature appears below are authorized to sign this assurance on behalf of the Recipient.



Director of Michigan Department of Transportation



Date

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ii. Appendix A

[To be inserted into every Federal-aid contract]

During the performance of this contract, the contractor, for itself, its assignees, and its successors in interest (hereinafter referred to as the “contractor”), agrees as follows:

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor's obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:
 - a. Withholding payments to the contractor until the contractor complies; and/or
 - b. Canceling, terminating, or suspending the contract, in whole or in part.

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6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

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iii. Appendix B [Transfer of Property]

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Michigan Department of Transportation, will accept title to the lands and maintain the project constructed thereon, in accordance with State of Michigan, the Regulations for the Administration of the State Transportation Program and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)*

TO HAVE AND TO HOLD said lands and interests therein unto the Michigan Department of Transportation, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Michigan Department of Transportation, its successors and assigns.

The Michigan Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex, disability, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed [,] [and]* (2) that the Michigan Department of Transportation shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

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*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

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iv. Appendix C [Permits, Leases and Licenses]

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases, add, “as a covenant running with the land”] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above non-discrimination covenants, the Michigan Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Michigan Department of Transportation and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Michigan Department of Transportation pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add “as a covenant running with the land”) that (1) no person on the grounds of race, color, sex, disability or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the grantee, licensee, lessee, permittee, etc.) shall use the

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premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Michigan Department of Transportation and assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

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v. Appendix D [Prohibition of Discrimination in State Contracts]

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.
6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.

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7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.
9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

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vi. Appendix E [Definitions]

DEFINITIONS

(As used in Title 32 of the Code of Federal Regulations, Highways, part 200.5)

- 1. Adverse Effects:** The totality of significant or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority and low-income individuals within a given community or from the broader community; and the denial of , reduction in, or significant delay in the receipt of, benefits of FHWA programs, policies, or activities.
- 2. Affirmative Action:** A good faith effort to eliminate past and present discrimination and to ensure that future discriminatory practices do not occur. Actions aimed at addressing the under-representation of minorities and females.
- 3. Beneficiary:** An individual and/or entity that directly or indirectly receive an advantage through the operation of a federal program; however, they do not enter into any formal contract or agreement with the federal government where compliance with Title VI is a condition of receiving such assistance.
- 4. Citizen Participation:** An open process in which the rights of the community to be informed, to provide comments to the Government, and to receive a response from the Government are met through a full opportunity to be involved, and to express needs and goals.
- 5. Compliance:** The satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.
- 6. Deficiency Status:** The interim period during which the recipient State has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance by the Secretary of Transportation.
- 7. Disparate Impact:** Discrimination which occurs as a result of a neutral procedure or practice and such practice, lacks a "substantial legitimate justification." The focus is on the consequences or impact of a recipient's practices rather than the recipient's intent.
- 8. Discrimination/Disparate Treatment:** Discrimination which occurs when similarly situated persons are treated differently intentionally, because of their

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race, color, national origin, sex, disability, or age, and the decision maker was aware of the complainant's race, color, national origin, sex, disability, or age, and decisions were made (at least in part) because of one or more of those factors.

9. Disproportionately High and Adverse Effect on Minority and Low-Income Populations means an adverse effect that:

Is predominantly born by a minority population and/or a low-income population will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low income population.

10. Facility: Includes all, or any part of, structures, equipment or other real or personal property, or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

11. Low Income: a person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services guidelines.

12. Low-Income Populations: Any readily identifiable group of low-income persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons who may be similarly affected by a proposed DOT program, policy, or activity. Low income is defined by the poverty threshold stipulated by the U.S. Department of Health and Human Services.

13. MPO: Metropolitan Planning Organization (considered a sub-recipient).

14. Minority:

- Black – a person having origins in any of the black racial groups of Africa.
- Hispanic – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- Asian or Pacific Islander – a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, or the Pacific Islands.
- American Indian or Alaskan Native – a person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
- White – a person having origins in any of the original peoples of Europe, North Africa, or the Middle East.

15. Minority Populations: Identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons, i.e., migrant workers, Native Americans, and others, who will be similarly affected by a proposed DOT program, policy, or activity.

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- 16. Non-compliance:** A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements.
- 17. Persons:** Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin,” “Black not of Hispanic origin,” “Hispanic,” “Asian or Pacific Islander,” “American Indian or Alaskan Native.” Additional sub-categories based on National origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.
- 18. Program Area Officials:** The officials in the FHWA who are responsible for carrying out technical program responsibilities.
- 19. Programs, Policies, and/or Activities:** All projects, programs, policies, and activities that affect human health or the environment, and that are undertaken, funded, or approved by FHWA. These include, but are not limited to, permits, licenses, and financial assistance provided by FHWA. Interrelated projects within a system may be considered to be a single project, program, policy, or activity for purposes of this Order. In addition, it includes any highway project or activities for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other agreements with the recipient.
- 20. Recipient:** Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term recipient does not include any ultimate beneficiary under any such program.
- 21. Regulations and Guidance:** Means regulations, programs, policies, guidance, and procedures promulgated, issued, or approved by FHWA.
- 22. State Transportation Agency:** That department, commission, board, or official of any state charged by its laws with the responsibility for highway construction. The term State would be considered equivalent to the State Transportation Agency if the context so implies.
- 23. STIP:** A five-year, Statewide Transportation Improvement Program (STIP) that includes MDOT’s program as well as the Transportation Improvement Programs prepared by the Metropolitan Planning Organizations in Michigan.
- 24. Sub-recipient:** A non-federal entity that expends federal awards received from a pass-through entity to carry out a federal program, but does not include an individual that is a beneficiary of such a program. A sub-recipient may also be a

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recipient of other federal awards directly from a federal awarding agency. [Cities, counties, universities, contractors, sub-contractors, and consultants]

- 25. TIP:** A three-year, Transportation Improvement Program prepared by a Metropolitan Planning Organization.

vii. Appendix F [Forms]

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Michigan Department
Of Transportation
0106 (11/10)

**SUB-RECIPIENT APPLICATION FOR CERTIFICATION OF
TITLE VI AND EEO COMPLIANCE AND ASSURANCES**

Page 1 of 2

Title VI of the Civil Rights Act of 1964, related statutes and regulations provide that no person shall on the grounds of race, color, national origin, gender, age, or disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance. The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds, whether schools, colleges, government entities, or private employers must comply with Federal civil rights laws, rather than just the particular programs or activities that receive federal funds.

If you need assistance completing this form or additional information, please contact us by phone at (517) 373-0980, Fax (517) 373-6457 or TDD/TTY through the Michigan Relay Center at (800) 649-3777.

COMPANY/ORGANIZATION NAME	TELEPHONE NUMBER	
STREET ADDRESS	FAX NUMBER	
P.O. BOX	CITY	
COUNTY	STATE	ZIP CODE

Recipients of federal financial assistance must comply with the following procedures for monitoring and ensuring non-discrimination in any program, service, or activity, as required by 23 CFR Appendix A of part 230 Special Provisions.

1. Sub-recipient must establish an Equal Opportunity Policy. Sub-recipient must accept as their operating policy the following: It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment without regard to their race, religion, gender, color, or national origin. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship pre-apprenticeship, and/or on-the-job training.
2. Sub-recipient must designate and make known to MDOT an Equal Opportunity Officer. The individual appointed must be capable of effectively administering and promoting an active program of equal employment opportunity and must be assigned adequate authority and responsibility to do so.
3. The sub-recipient equal opportunity policy must be disseminated to all staff members authorized to hire, supervise, promote, and discharge employees, or who recommend such action. To ensure that the policy is known, periodic meetings of supervisory and personnel office employees must be conducted not less than once every six months.
4. All employees, prospective employees and potential sources of employees should be advised of the sub-recipients equal opportunity policy. Notices and posters setting forth the employer's equal opportunity policy must be placed in areas readily accessible to the aforementioned. The employer's/contractor's equal employment opportunity and the procedures to implement the policy must be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.
5. When advertising for employees, the sub-recipients must include, in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements must be published in newspapers or other publications having a large circulation among minority groups in the area from which the project work force would normally be derived.
6. Sub-recipients must establish a process to investigate all complaints of alleged discrimination and take appropriate corrective action, including a method to inform all complainants of their avenues of appeal. Complainants should be advised of their right to file a complaint with governmental agencies (i.e., the State recipient, the Federal agency providing funds to the state recipient, the Department of Civil Rights, the Department of Justice, etc.).

A copy of 23 CFR Appendix A to Subpart A of Part 230 Special Provisions is available upon request. It provides specific information regarding equal employment opportunity responsibilities.

NAME AND TITLE OF THE EQUAL EMPLOYMENT OFFICER (this individual must be capable of effectively administering and promoting an active equal opportunity program and is assigned adequate authority and responsibility to carry out these duties.)

NAME (Please Print)	COMPANY/ORGANIZATION TITLE (Please Print)
---------------------	---

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

MDOT 0106 (11/10)

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I certify that I will abide by the equal employment opportunity requirements outlined in this application. I also understand the provisions of Title VI and related statutes. This certification is also my assurance that I will not discriminate on the grounds of race, color, national origin, gender, age, or disability.

AUTHORIZED CORPORATE OR ORGANIZATIONAL OFFICER	TITLE	DATE
--	-------	------

NOTE: You must notify MDOT within 45 days if any of the information you provided on this application changes.

Please return this application to:

Cheryl Hudson, EEO Officer
Michigan Department of Transportation
425 W. Ottawa Street
Lansing, Michigan 48933
(517) 373-0980
HudsonC1@michigan.gov

Do not write in this area below

APPROVAL	DATE
----------	------

MICHIGAN DEPARTMENT OF TRANSPORTATION
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Michigan Department
of Transportation
0112 (05/11)

TITLE VI – COMPLAINT FORM

Page 1 of 2

This form may be used to file a complaint with the Michigan Department of Transportation (MDOT) for alleged violations of Title VI of the Civil Rights Act of 1964. If you need assistance completing this form due to a physical impairment or other reasons, please contact us by phone at (517) 373-0980 or via FAX (517) 373-8841 or TDD/TTY through the Michigan Relay Center at (800) 649-3777.

Only the complainant or the complainant's designated representative should complete this form.

NAME

STREET ADDRESS

CITY

STATE

ZIP CODE

HOME TELEPHONE

WORK TELEPHONE

FAX

Individual(s) discriminated against, if different from above (use additional page(s) if necessary):

NAME

STREET ADDRESS

CITY

STATE

ZIP CODE

HOME TELEPHONE NO.

WORK TELEPHONE NO.

FAX NO.

PLEASE EXPLAIN YOUR RELATIONSHIP TO THE INDIVIDUAL(S) INDICATED ABOVE

Name of Agency and department or program that discriminated:

AGENCY AND DEPARTMENT NAME

NAME OF INDIVIDUAL (if known)

STREET ADDRESS

CITY

STATE

ZIP CODE

TELEPHONE NO.

FAX NO.

Date(s) of alleged discrimination:

DATE DISCRIMINATION BEGAN

LAST OR MOST RECENT DATE OF DISCRIMINATION

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Alleged discrimination:

Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within the 180 days period, you have 60 days after you became aware to file your complaint.

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you or others by the agency or department indicated above, please indicate below the bases on which you believe these discriminatory actions were taken.

Example: If you believe that you were discriminated against because you are African American, you would mark the box labeled *race/color* and write *African American* in the space provided.

Example: If you believe the discrimination occurred because you are female, you would mark the box labeled *sex* and write *female* in the space provided.

<input type="checkbox"/> Race/Color _____	<input type="checkbox"/> Religion _____
<input type="checkbox"/> National origin _____	<input type="checkbox"/> Age _____
<input type="checkbox"/> Sex _____	<input type="checkbox"/> Disability _____

Explain:

Please explain as clearly as possible what happened. Provide the name(s) of witnesses and others involved in the alleged discrimination. (Attach additional sheets if necessary and provide a copy of written materials pertaining to your case.)

SIGNATURE	DATE
-----------	------

Note: The laws enforced by this department prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint or if you have questions regarding the completion of this form, please contact:

Cheryl Hudson, EEO Officer/Title VI Specialist
Michigan Department of Transportation
425 W. Ottawa Street
Lansing, MI 48909
Phone: 517-373-0980
Fax: 517-373-8841
Email: hudsonc1@michigan.gov

**MICHIGAN DEPARTMENT OF TRANSPORTATION
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**TITLE VI COMPLAINT PROCEDURES AND
INVESTIGATION GUIDELINES**

Page 1 of 3

Introduction

Any person who believes that he or she, individually or as a member of any specific class or in connection with any Michigan Department of Transportation (MDOT) program, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 and other related statutes, as stated in 49 C.F.R. 21.11(b), may file a complaint with the department or the Federal agency that provides funds for the program where the alleged discrimination occurred. A complaint may also be filed by a representative on behalf of a complainant.

Receipt of Complaint

1. In order to have a complaint considered under this procedure, the complainant should file the complaint no later than:

- (a) 180 days after the date of the alleged act of discrimination; or
- (b) If you could not reasonably be expected to know the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.

A designated Federal or MDOT representative may extend the time for filing or waive the time limit in the interest of justice. The reason(s) for the extension of time must be documented in writing and retained with the file.

2. Complaints must be in writing and must be signed by the complainant or the complainant's designee or representative. The MDOT Title VI Complaint Form (#0112) may be used or any other signed document that alleges a complaint. The complaint must provide a complete explanation of the facts and circumstances surrounding the alleged discrimination. The individual receiving the complaint must date stamp the document immediately upon receipt in order to preserve the complainant's right to pursue resolution in another forum. Complaints against contractors, sub-contractors and other sub-recipients receiving federal financial assistance through MDOT must be reported to:

Cheryl Hudson
EEO Officer/Title VI Specialist
Michigan Department of Transportation
425 W. Ottawa
Lansing, MI 48933
517-373-0980
Hudsoncl@michigan.gov

3. Complaints received verbally or by other electronic media must be referred to the MDOT EEO Officer. If necessary the MDOT EEO Officer will assist the complainant in reducing his/her complaint to writing and obtain the complainant's signature. The following are examples of sources that should not be considered a complaint, unless the source contains a signed cover letter specifically asking that the agency take action concerning the allegations:

- An anonymous complaint that is too vague to obtain required information.
- Inquiries seeking advice or information.
- Courtesy copies of court pleadings.
- Courtesy copies of complaints addressed to other local, State, or Federal agencies.
- Newspaper articles.

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- Courtesy copies of internal grievances.
4. Complaints are logged in by the MDOT EEO Officer or another individual designated by department.
 5. Within 10 days the MDOT EEO Officer will acknowledge receipt of the complaint, and inform the complainant of the initial action taken or proposed action to process the allegation. If the correspondence indicates that the allegation is not within the jurisdiction of MDOT, the MDOT EEO Officer will send the complainant a letter stating that the issues presented do not come within the authority of this agency or department. The complainant will be advised regarding other avenues of redress available, such as the FHWA, FTA, FAA, the Department of Civil Rights, and the U.S. Department of Transportation. The department must make a good faith effort to refer the complaint to the appropriate agency to handle the case if it is not within MDOT's jurisdiction.

Note: Appropriate assistance will be provided to individuals with disabilities and individuals who speak a language other than English. Also, complaints in alternate formats from individuals with disabilities may be accepted for example, complaints filed on computer disks, audio tape, or in Braille.

Acceptance for Investigation

1. After initial review of the complaint by the MDOT EEO Officer and acceptance for investigation, a case file containing all documents and information pertaining to the case will be established. The MDOT EEO Officer will retain a copy of all documents on file.
2. A copy of the complaint and any relevant documents will be forwarded to the Federal authority which provided the funding (FHWA, FTA or FAA). The federal funding source will oversee the investigation and determine to what extent MDOT will be involved in the investigation.

The Investigation

1. If, the case is assigned to MDOT for investigation, the investigator assigned the case, must review the alleged facts to determine the course of the investigation. The investigation must be completed within 60 days after the case is assigned.

For example: a complaint alleging discriminatory treatment resulting in loss to person or property, unfair compensation, inequitable benefits or other forms of hardship may involve an investigation of or review of:

- Public hearing procedures, including participation therein.
- The location, design, and access to a structure or facility constructed with federal financial assistance.
- Real estate and relocation activity.

In order to conduct a complete investigation, the investigator may determine the need to interview program managers, witnesses, or others named in the complaint.

2. Once the investigation is completed, the investigator will prepare a written report of the assessment. The report will include a narrative of the incident, identification of individuals interviewed, findings, evidence reviewed, and recommendations for disposition.

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3. Copies of the report will be provided to the federal organization with jurisdiction, MDOT management, and the MDOT EEO Officer. The complainant and the respondent will also receive a copy of the report. Each will have 10 working days in which to respond to the report.
4. A copy of the complaint and final determination will be forwarded to the federal entity with jurisdiction, the complainant and the respondent within 60 days after the complaint was received by MDOT.

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This form contains interactive and dynamic features such as expandable text options. Users need Adobe 6.02 or newer to use these features

Michigan Department
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0179 (07/11)

**TITLE VI SUB-RECIPIENT ANNUAL
CERTIFICATION FORM**

Page 1 of 1

This form is to certify compliance with Title VI of the Civil Rights Act of 1964. If your Title VI Plan has been approved by the Michigan Department of Transportation (MDOT), all changes to the organization's Title VI Plan which occurred during the current fiscal year (October 1 thru September 30) must be reported on this form. Please attach additional pages, as necessary, to provide a complete response to each question.

NAME OF ORGANIZATION

NAME OF TITLE VI COORDINATOR

TITLE

ADDRESS

CITY

COUNTY



STATE

ZIP CODE

TELEPHONE NO.

FAX NO.

E-MAIL ADDRESS

1. Has your Title VI Coordinator/EEO Officer changed during the reporting period or since your last Title VI Plan was approved? If yes, please list the name and contact information for the new coordinator/EEO Officer. ☐ Yes ☐ No
2. Has your organization had any projects that have Title VI, LEP, or EJ impacts? How many? If yes, what did you do to ensure that those populations affected by the project had meaningful access to and involvement in the development process? ☐ No ☐ Yes
3. What is the number or percentage of LEP or EJ populations who were affected by the project?
4. How many public involvement meetings did you hold during the reporting period?
5. Did you provide language assistance at any of your public meetings during the reporting period? How many persons received this assistance? ☐ No ☐ Yes
6. Did you provide reasonable accommodation to persons with disabilities during the reporting period? How many? ☐ No ☐ Yes
7. Did you receive any formal or informal Title VI complaints, or law suits during this reporting period? If yes, how many, and please provide details regarding each complaint or law suit and the resolution. ☐ No ☐ Yes
8. How many contracts did you enter into with Disadvantaged Business Enterprises during the reporting period? If none, what did you do to encourage participation by DBEs?
9. During this reporting period, how many of your employees have been educated about Title VI and their responsibility to ensure non-discrimination in any of your programs, services, or activities.
10. Please provide any comments or additional information related to the organization's Title VI Plan.

The information reported on this form is accurate and reflects all changes to the organization's Title VI Plan for the current fiscal year.

NAME

TITLE

DATE

If you have questions regarding Title VI, contact: Cheryl Hudson, EEO Officer (517) 373-0980, or HudsonC1@michigan.gov **MAIL COMPLETED FORM TO:** Cheryl Hudson, EEO Officer, Michigan Department of Transportation, 425 W. Ottawa Street, Lansing, Michigan 48933

PLEASE SUBMIT THIS FORM BY OCTOBER 5TH OF THE REPORTING YEAR

MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines

Michigan Department
Of Transportation
0198 (01/11)

**MDOT COMPLAINT CONSENT/RELEASE
FORM**

NAME

ADDRESS (Include P.O. Box if applicable)

CITY

STATE

ZIP CODE

Please read the information below, check the appropriate box, and sign this form.

I have read the Notice of Investigatory Uses of Personal Information by the Michigan Department of Transportation (MDOT). As a complainant, I understand that in the course of an investigation it may become necessary for MDOT to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of MDOT to honor requests under the Freedom of Information Act. I understand that it may be necessary for MDOT to disclose information, including personally identifying details, which it has gathered as a part of its investigation of my complaint. In addition, I understand that as a complainant I am protected by federal regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes enforced by Federal Highway Administration (FHWA).

CONSENT/RELEASE

- ☐ **CONSENT** – I have read and understand the above information and authorize MDOT to reveal my identity to persons at the organization or institution under investigation. I authorize MDOT to receive material and information about me pertinent to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.
- ☐ **CONSENT DENIED** – I have read and understand the above information and do not want MDOT to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand that this is likely to impede the investigation of my complaint and may result in the closure of the investigation.

SIGNATURE

DATE

viii. Appendix G [MDOT Limited English Proficiency Plan]



LIMITED ENGLISH PROFICIENCY PLAN

May 20, 2011

EQUAL OPPORTUNITY EMPLOYER

**MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines**

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I. Introduction

On Aug. 11, 2000, President William J. Clinton signed an executive order, *Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964*. The executive order was issued to ensure accessibility to programs and services to otherwise eligible individuals not proficient in the English language.

The executive order stated that individuals with a limited ability to read, write, speak and understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter. These individuals are referred to as being limited English in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient. The executive order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.”

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well. This includes the U.S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Department of Justice (DOJ), and the Federal Railroad Administration.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies to nonprofits and organizations. Title VI covers the recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of the recipient’s organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this executive order.

The USDOT published “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency” in the Dec. 14, 2005, Federal Register. The guidance explicitly identifies MDOT as an organization required to follow Executive Order 13166.

“The guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient’s entire program or activity; i.e., to all parts of a recipient’s operations. This is true even if only one part of the operation receives federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state

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department of transportation—not just the particular highway program or project—are covered by the DOT guidance.”

To assist MDOT in meeting Title VI and LEP requirements of the FHWA and the FTA, MDOT will evaluate, on a continual basis, activities that would be appropriate for compliance with LEP requirements.

II. Elements of an Effective LEP Policy and MDOT’s Strategy

The Civil Rights Division of the DOJ has developed a set of elements that may be helpful in designing an LEP policy or plan. For the purposes of this plan, only those individuals who were identified in the 2000 U.S. Census as having their ability to speak English as “not well” or “not at all” are being considered. MDOT’s LEP Plan addresses these elements to aid in identifying LEP persons so that they are provided meaningful access to MDOT services and activities that may affect their quality of life. These elements include:

1. Identifying LEP persons who need language assistance.

The State Long Range Plan (SLRP) and the State Transportation Improvement Plan (STIP) will provide the program and project level basis for determining the need for public involvement and public engagement. The Bureau of Transportation Planning conducts an Environmental Justice Analysis for low-income and minority populations within urban and non-urban areas. In conjunction with this study, LEP populations and other cultural variables are considered, using the Census, i.e., school and community demographics, data from Metropolitan Planning Organizations (MPO), MDOT transportation service centers and regions, and other stakeholders.

According to the 2000 U.S. Census, 630,565 citizens of the state of Michigan ages 18 or older spoke a language other than English at home. Of that number, 13.5 percent do not speak English well, and 4 percent of this number do not speak English at all. Hispanics comprised the largest non-English speaking language group and have shown a 37 percent increase in Michigan’s overall population. The 2000 Census showed that 17 percent of Hispanics/Latinos do not speak English well, and 7.3 percent do not speak English at all.

2. Identifying ways in which language assistance will be provided.

MDOT will provide oral and written translation; written interpretation and translation; and sign language, if requested, or as a result of an LEP analysis on any given project or projected program, requiring translation or interpretation. In addition, video visualization techniques will be used to illustrate MDOT projects as called for in MDOT’s Public Participation Plan, dated April 2011.

Over the next two years, MDOT will examine its services and survey its employees to determine the extent of contact or the possibility of contact with LEP individuals; and the frequency of contact and the services where LEP individuals are likely to assess a program, service, or activity, on an annual basis, or as needed.

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3. Training staff and others.

All MDOT staff will receive training, especially those involved in public outreach and public involvement, on identifying LEP populations and providing LEP translation and interpretation.

Sub-recipients and MPOs must provide LEP services to be in compliance with Title VI and Executive Order 12898. Sub-recipient reviews will be conducted to ensure compliance with Executive Order 12898, Limited English Proficiency.

Contractor compliance reviews will include a provision to comply with the order.

4. Providing notice to LEP persons.

After LEP populations have been identified, strategies will be developed to provide notice of a program, service, or activity, using appropriate media, including brochures (also in languages other than English).

Community groups serving LEP populations will be contacted, as well as schools, church groups, chambers of commerce, and other relevant entities.

5. The recommended method of evaluating accessibility to available transportation services in the Four-Factor Analysis identified by the USDOT. (See below)

These recommended plan elements have been incorporated into this plan.

III. Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines **four factors** recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons;

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP community.
4. The resources available to MDOT and overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with the program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of federal guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

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Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The guidance from the USDOT is modeled after the DOJ's guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov> or <http://www.michigan.gov/titlevi>.

According to the 2000 U.S. Census, Michigan's total population is 9,883,640.

State Population By Race Michigan – 2010 U.S. Census		
Percent of Population		Change 2000-2010
White alone – 78%		-2.0%
Black or African American alone – 14.2%		-0.9%
American Indian and Alaska Native Alone – 0.6%		6.0%
Asian alone – 2.4%		34.9%
Native Hawaiian and Other Pacific Islander alone – negligible		-3.3%
Some Other Race alone – 1.5%		13.5%
Two or More Races – 2.3%		19.7%
State Population By Hispanic or Latino Origin Michigan 2010		
Hispanic or Latino -- 4.4%		34.7%
Not Hispanic or Latino – 95.6%		-1.7%

IV. The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individual assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to public services within the scope of MDOT's multi-modal transportation services. Recommendations are then based on the results of the analysis.

Factor 1: The number or proportion of LEP persons in the service area who may be served or are likely to be encountered at a MDOT program, service, or activity.

The U.S. Census Bureau has a range of four classifications of how well people speak English. The classifications are (1) 'very well,' (2) 'well,' (3) 'not well,' and (4) 'not at all.'

For planning purposes, we are considering individuals who speak English 'not well' or 'not at all' as Limited English Proficient, or LEP.

Table 24b. below shows a breakdown of Michigan's population by race or ethnicity and demonstrates the need to ensure that LEP persons are included in the transportation public involvement process.

All programs/projects must consider the number and percent of persons in regards to their English language skills within the planning area for inclusion in public involvement and public engagement meetings.

**MICHIGAN DEPARTMENT OF TRANSPORTATION
Title VI Plan – Program Guidelines**

TABLE 24b.

Census 2000 PHC-T-37. Ability to Speak English by Language Spoken at Home: 2000

Table 24b. Michigan – Ability to Speak English by Language Spoken at Home for the Population 18 Years and Over: 2000
Internet Release Date: October 29, 2004 (revised 2/06)

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/prod/2000/docr38.pdf>]

Language spoken at home	Total	Speak English "very well"		Speak English "well"		Speak English "not well"		Speak English "not at all"	
	Number	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Population 18 years and over	7,345,850	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Speak only English	6,715,285	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
Speak language other than English	630,565	384,500	61.0	135,775	21.5	85,175	13.5	25,115	4.0
Spanish or Spanish Creole	186,100	105,115	58.1	32,795	17.6	31,545	17.0	13,645	7.3
Other Indo-European languages	259,900	174,875	67.3	52,805	20.3	27,525	10.6	4,695	1.8
French (incl. Patois, Cajun)	31,045	23,770	76.6	4,395	14.2	2,665	8.7	190	0.6
French Creole	605	310	51.8	225	37.6	60	10.0	4	0.7
Italian	27,885	18,645	66.9	5,900	21.2	2,980	10.7	360	1.3
Portuguese or Portuguese Creole	2,730	1,795	65.8	660	24.2	260	9.5	15	0.6
German	44,700	34,675	77.6	6,995	15.7	2,965	6.6	65	0.2
Yiddish	1,870	1,425	76.2	350	18.7	95	5.1	0	0.0
Other West Germanic languages	9,015	7,140	79.2	1,615	17.9	260	2.9	4	0.0
Scandinavian languages	2,765	2,235	81.0	395	14.3	125	4.5	4	0.1
Greek	10,085	7,000	69.4	1,950	19.3	1,020	10.1	115	1.1
Russian	10,040	4,205	41.9	3,165	31.5	2,090	20.8	580	5.8
Polish	37,295	25,465	68.3	7,900	21.2	3,485	9.4	440	1.2
Serbo-Croatian	9,830	4,315	43.9	2,400	24.4	2,420	24.6	695	7.1
Other Slavic languages	13,080	7,850	60.0	3,265	24.9	1,700	13.0	280	2.1
Armenian	3,100	2,150	69.4	605	19.5	305	9.8	40	1.3
Persian	2,675	1,935	72.5	495	18.5	165	6.2	75	2.8
Gujarathi	5,440	3,435	63.1	1,095	20.1	685	12.6	230	4.2
Hindi	8,825	7,240	82.0	1,200	13.6	340	3.9	45	0.5
Urdu	5,975	4,230	70.8	1,250	20.9	375	6.3	120	2.0
Other Indic languages	11,255	6,365	56.6	2,810	25.0	1,555	13.8	525	4.7
Other Indo-European languages	21,675	10,680	49.3	6,130	28.3	3,965	18.3	900	4.2
Asian and Pacific Island languages	88,755	45,060	51.9	28,130	30.1	13,310	15.3	2,260	2.6
Chinese	22,845	10,820	47.4	7,840	34.3	3,265	14.3	925	4.1
Japanese	9,055	4,065	44.9	2,865	31.6	2,020	22.3	105	1.2
Korean	11,130	4,360	39.2	4,210	37.8	2,340	21.0	220	2.0
Mon-Khmer, Cambodian	1,230	425	34.6	465	37.8	265	21.5	75	6.1
Miao, Hmong	3,260	1,135	34.8	1,030	31.6	845	25.9	250	7.7
Thai	1,645	785	47.7	635	38.6	225	13.7	0	0.0
Laotian	1,840	740	40.2	670	36.4	410	22.3	20	1.1
Vietnamese	9,340	2,895	31.0	2,960	31.7	2,915	31.2	570	6.1
Other Asian languages	13,030	10,165	78.0	2,325	17.8	485	3.7	60	0.5
Tagalog	11,085	8,290	74.8	2,395	21.6	380	3.4	20	0.2
Other Pacific Island languages	2,290	1,380	60.3	735	32.1	160	7.0	15	0.7
Other languages	97,805	58,450	57.7	24,040	24.6	12,795	13.1	4,520	4.6
Navajo	75	70	94.6	4	5.4	0	0.0	0	0.0
Other Native North American languages	2,300	1,670	81.3	240	10.4	160	7.0	30	1.3
Hungarian	4,550	3,365	73.9	880	19.3	305	6.7	4	0.1
Arabic	56,430	30,865	54.4	14,615	25.9	8,100	14.4	3,045	5.4
Hebrew	2,620	2,285	87.1	235	9.0	105	4.0	0	0.0
African languages	6,765	5,205	76.9	1,145	16.9	340	5.0	75	1.1
Other and unspecified languages	25,065	12,995	51.9	6,920	27.6	3,785	15.1	1,385	5.5

(X) Not Applicable.

Source: U.S. Census Bureau, Census 2000.

For larger viewing use the following link:

<http://www.census.gov/population/www/cen2000/briefs/phc-t37/tables/tab24b.pdf>

For each program, project, service, or activity, an assessment will be conducted to determine the number of LEP, minority, and low-income populations to ensure meaningful public involvement. The Bureau of Transportation Planning's Public Involvement Plan will be followed to ensure all groups have notification and access.

Factor 2: The frequency with which LEP persons come in contact with an MDOT program, activity, or service.

The program/project must be evaluated in relationship to the number of persons who are within the program/project area and the number of times they have

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frequented the program or activity. For public meetings, a sign-in sheet or survey must be utilized to determine the demographic and frequency of participation. Planners and project managers must provide notice to LEP persons within the project/program area so that they are aware of any programs/projects that may affect their quality of life.

Programs, services, and activities that have potential impact for LEP persons include, but are not limited to:

- Public involvement and public engagement meetings/hearings for constructions projects affecting LEP communities or individuals
- Welcome Centers and Rest Areas
- Roadside assistance drivers
- Transportation maintenance workers
- Transit sub-recipients
- Requests for permits
- Real estate transactions/condemnation
- Payment of tolls at MDOT bridges
- Internet access: MDOT and Mi Drive Web sites must be accessible to LEP persons
- Requests for certifications, licenses
- Phone communications: notices/greetings in languages other than English

Factor 3: The Nature and Importance of the Program, Activity, or Service by MDOT to the LEP population.

As the state transportation agency responsible for coordinating the Statewide Transportation Planning process, MDOT must make sure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved with the planning process. The impact of proposed transportation investments on underserved and under represented population groups are part of the evaluation process. MDOT provides oversight and helps ensure that LEP and other protected classes of persons are not overlooked in the transportation planning process.

MDOT's main function is to support cooperative, comprehensive, and continuing transportation planning as outlined in federal transportation acts. In doing so, MDOT develops three main documents: the Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP) and Unified Planning Work Program (UPWP), and as needed, other studies. The LRTP provides direction for transportation investments out to 20 years in the future. The TIP is a program or schedule of short-range transportation improvements and activities intended to be implemented through a combination of State, Federal, and local funding. The UPWP outlines tasks to be performed in the upcoming year. LEP persons, low-income, minority populations, the elderly, and the disabled must be considered in these processes.

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Factor 4: The Resources Available to MDOT and the Overall Cost to provide LEP assistance.

MDOT serves the entire state of Michigan and is required by federal law to provide access to LEP persons, and to ensure that its sub-recipients also provide access. Even sub-recipients with very limited resources should have an LEP section in the Public Involvement Plan with the acknowledgment that current demographic trends indicate the number of LEP persons may increase within the state of Michigan and projects impacted in their specific planning area. Or at the very least, they should contact their MPO to examine the potential need for LEP services based on the demographics provided by the MPO.

According to U.S. Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the *Federal Register*: December 14, 2005 (Volume 70, Number 239), *"Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan."*

Funds available for LEP services would be derived entirely from existing MDOT operating funds, and compete with other operational requirements of MDOT.

V. Safe Harbor Stipulation

Federal law provides a "Safe Harbor" stipulation so that recipients can ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. A "safe harbor" means that if a recipient provides written translations in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligations under 'safe harbor' includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. MDOT's translation of other documents, if needed, can be provided orally.

This safe harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

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VI. Providing Notice to LEP Persons

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage when free language assistance is available with advance notice.
2. Stating in outreach documents that language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of recipient's services, including the availability of language assistance services.
4. Using automated telephone voice mail attendant or menu which can provide information about available language assistance services and how to get them.
5. Including notices in local newspapers in languages other than English.
6. Providing notice on non-English-language radio and television about the available language assistance services and how to get them.
7. Providing presentations and/or notices at schools and religious organizations.

MDOT will also provide statements in public information (meetings) and public notices, as outlined in our Public Involvement Plan, that persons requiring language assistance or special accommodations will be provided, with reasonable advance notice to MDOT.

Federal fund recipients have two main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. MDOT defines an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as a person who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.

Considering MDOT's size and scope, LEP individuals in MDOT's statewide services area, and our financial resources, it is necessary to provide at least the most basic and cost-effective services available to ensure compliance with Executive Order 13166. Many options were discussed and considered by MDOT staff and the following recommendations were adopted as measure to provide meaningful access to limited English speaking persons:

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- *Identifying existing staff to be used as translators and interpreters.* MDOT employs over 3000 people. Staff have been identified who are proficient in a second language, particularly Spanish, and would be available, with advanced notice to provide interpretation services. A survey of staff language skills has been conducted and formal procedure/policy put in place in MDOT's Title VI Plan.
- *Utilize MDOT LEP services outlined in MDOT's Title VI Plan.* MDOT employees who speak Arabic, French, German, Gujarati, Hindi, Mandarin, Punjabi, Russian, Spanish, Tagalog, Turkish, and Urdu have been identified and listed as interpreters. (See volunteer list in Appendix 1 of this Plan). In Addition, a vendor has been selected for both translation and interpreter services.

Bromberg & Associates
3320 Caniff St.
Hamtramck, MI 48212
Phone: 313-871-0080
Fax: 888-225-1912

- Ensure MDOT members are aware of the USDOT LEP guidance and support their LEP planning activities, as appropriate.
- Revisit the MDOT LEP Plan when (2010 decennial census or other indication of increase of LEP persons) warranted.

VII. Proposed Actions: What MDOT will do

- Publish the LEP Plan on the MDOT Intranet in languages other than English as warranted.
- Disseminate the LEP Plan to community organizations, governmental entities, and other interested persons; also in languages other than English.
- With advance notice of seven calendar days, MDOT will provide interpreter services at any meeting or public hearing. Interpreter to include foreign language and hearing impaired.
- Place statements in notices and publications that interpreter services are available for meetings, with seven days advance notice.
- Notices of MDOT's non-discrimination policies and information on the local and federal complaint process will be placed on the website and made available at public meetings.
- Provide training to MDOT staff on the requirements for providing meaningful access to services for LEP persons.
- Include a Limited English Proficiency policy in the updates of the MDOT Public Involvement Plan through, 1) statements and notices that interpreters will be

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provided, upon prior request for language assistance as well as for sign language, and 2) maintenance of a contact list for interpretation and translation providers.

- Utilize the MDOT Michigan Statewide Planning Process Participation Plan in conjunction with the MDOT LEP Plan to identify low-income populations, minority populations, the elderly, and the disabled; who may be part of the LEP population.

VIII. LEP Plan Access

MDOT will post the LEP Plan on its Web site at <http://www.michigan.gov/titlevi> in languages other than English.

Any person, including social service and civic organization, non-profit, law enforcement agencies, and other community partners with internet access will be able to access the plan. For those without personal internet service, libraries may offer free internet access, and should be contacted to determine if this service is available. Copies of the LEP plan will be provided to MDOT sub-recipients and stakeholders, the Federal Highway Administration, the Federal Transit Administration, and any person or agency requesting a copy.

IX. Monitoring and Updating the LEP Plan

This plan is subject to revision based on the changes in demographics as reported by the 2000 U.S. Census and any Environmental Justice (EJ) analysis done on a project. It should be considered in relationship to the need for LEP services provided by MDOT, and should be viewed as a work in progress. It is important to consider whether new documents and services need to be made accessible for LEP persons, and also to monitor changes in demographics and types of services.

MDOT will update the LEP as needed. At a minimum, the plan will be reviewed and updated when data from the 2010 U.S. Census is available, or when it is clear that higher numbers of LEP individuals may be affected by projects or programs in the program or project affected communities.

MDOT will examine and update its LEP Plan based on the following:

- The number of LEP persons who were encountered annually via survey of public meetings and other transportation related events or hearings
- Determine how the needs of LEP persons have been addressed
- Determine whether local language assistance programs have been effective and sufficient to meet the needs of LEP persons
- Determine whether transit system's financial resources are sufficient to fund language assistance resources needed during compliance reviews

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- Determine whether MDOT and its contractors have fully complied with the goals of the LEP Plan
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals
- Obtain input from customers and the general community via MDOT's Planning Study of the needs of the public

X. Dissemination of MDOT's LEP Plan

- The MDOT LEP Plan and the Title VI Plan may be assessed via the following link: <http://www.michigan.gov/titlevi>. The Plan will be made available in languages other than English, i.e., Arabic and Spanish, and other languages as warranted, or requested.
- MDOT's LEP Plan will be shared with human service organizations, minority organizations, governmental entities, contractors, and consultants, cities, villages, townships, MPOs, community advisory, committees, and road commissions.
- Any person with internet access will be able to access and download the plan from the MDOT website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, or in person, and shall be provided a copy of the plan at no cost.
- The plan will be published in Spanish and Arabic; and other languages when requested.

XI. LEP Complaint Procedures

Complaints of discrimination involving LEP, Title VI, and related statutes will be investigated using the MDOT Title VI complaint procedures, included in this plan. For a more comprehensive look at MDOT's Title VI Policy, please use the following link: <http://www.michigan.gov/titlevi>.

Questions or comments regarding this LEP Plan or questions related to Title VI should be directed to:

Michigan Department of Transportation
Cheryl J. Hudson
Equal Employment Opportunity Officer/Title VI Specialist
425 West Ottawa
Lansing, Michigan 48909
Phone: (517) 373-0980
Fax: (517) 335-8841
E-mail: HUDSONC1@michigan.gov

**MICHIGAN DEPARTMENT OF TRANSPORTATION
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Michigan Department
Of Transportation
0113 (05/11)

**TITLE VI COMPLAINT PROCEDURES AND
INVESTIGATION GUIDELINES**

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Introduction

Any person who believes that he or she, individually or as a member of any specific class or in connection with any Michigan Department of Transportation (MDOT) program, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964 and other related statutes, as stated in 49 C.F.R. 21.11(b), may file a complaint with the department or the Federal agency that provides funds for the program where the alleged discrimination occurred. A complaint may also be filed by a representative on behalf of a complainant.

Receipt of Complaint

1. In order to have a complaint considered under this procedure, the complainant should file the complaint no later than:

- (a) 180 days after the date of the alleged act of discrimination; or
- (b) If you could not reasonably be expected to know the act was discriminatory within the 180 day period, you have 60 days after you became aware to file your complaint.

A designated Federal or MDOT representative may extend the time for filing or waive the time limit in the interest of justice. The reason(s) for the extension of time must be documented in writing and retained with the file.

2. Complaints must be in writing and must be signed by the complainant or the complainant's designee or representative. The MDOT Title VI Complaint Form (#0112) may be used or any other signed document that alleges a complaint. The complaint must provide a complete explanation of the facts and circumstances surrounding the alleged discrimination. The individual receiving the complaint must date stamp the document immediately upon receipt in order to preserve the complainant's right to pursue resolution in another forum. Complaints against contractors, sub-contractors and other sub-recipients receiving federal financial assistance through MDOT must be reported to:

Cheryl Hudson
EEO Officer/Title VI Specialist
Michigan Department of Transportation
425 W. Ottawa
Lansing, MI 48933
517-373-0980
Hudsonc1@michigan.gov

3. Complaints received verbally or by other electronic media must be referred to the MDOT EEO Officer. If necessary the MDOT EEO Officer will assist the complainant in reducing his/her complaint to writing and obtain the complainant's signature. The following are examples of sources that should not be considered a complaint, unless the source contains a signed cover letter specifically asking that the agency take action concerning the allegations:

- An anonymous complaint that is too vague to obtain required information.
- Inquiries seeking advice or information.
- Courtesy copies of court pleadings.
- Courtesy copies of complaints addressed to other local, State, or Federal agencies.
- Newspaper articles.

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- Courtesy copies of internal grievances.
4. Complaints are logged in by the MDOT EEO Officer or another individual designated by department.
 5. Within 10 days the MDOT EEO Officer will acknowledge receipt of the complaint, and inform the complainant of the initial action taken or proposed action to process the allegation. If the correspondence indicates that the allegation is not within the jurisdiction of MDOT, the MDOT EEO Officer will send the complainant a letter stating that the issues presented do not come within the authority of this agency or department. The complainant will be advised regarding other avenues of redress available, such as the FHWA, FTA, FAA, the Department of Civil Rights, and the U.S. Department of Transportation. The department must make a good faith effort to refer the complaint to the appropriate agency to handle the case if it is not within MDOT's jurisdiction.

Note: Appropriate assistance will be provided to individuals with disabilities and individuals who speak a language other than English. Also, complaints in alternate formats from individuals with disabilities may be accepted for example, complaints filed on computer disks, audio tape, or in Braille.

Acceptance for Investigation

1. After initial review of the complaint by the MDOT EEO Officer and acceptance for investigation, a case file containing all documents and information pertaining to the case will be established. The MDOT EEO Officer will retain a copy of all documents on file.
2. A copy of the complaint and any relevant documents will be forwarded to the Federal authority which provided the funding (FHWA, FTA or FAA). The federal funding source will oversee the investigation and determine to what extent MDOT will be involved in the investigation.

The Investigation

1. If the case is assigned to MDOT for investigation, the investigator assigned the case, must review the alleged facts to determine the course of the investigation. The investigation must be completed within 60 days after the case is assigned.

For example: a complaint alleging discriminatory treatment resulting in loss to person or property, unfair compensation, inequitable benefits or other forms of hardship may involve an investigation of or review of:

- *Public hearing procedures, including participation therein.*
- *The location, design, and access to a structure or facility constructed with federal financial assistance.*
- *Real estate and relocation activity.*

In order to conduct a complete investigation, the investigator may determine the need to interview program managers, witnesses, or others named in the complaint.

2. Once the investigation is completed, the investigator will prepare a written report of the assessment. The report will include a narrative of the incident, identification of individuals interviewed, findings, evidence reviewed, and recommendations for disposition.

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3. Copies of the report will be provided to the federal organization with jurisdiction, MDOT management, and the MDOT EEO Officer. The complainant and the respondent will also receive a copy of the report. Each will have 10 working days in which to respond to the report.
4. A copy of the complaint and final determination will be forwarded to the federal entity with jurisdiction, the complainant and the respondent within 60 days after the complaint was received by MDOT.

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Title VI Plan – Program Guidelines

Michigan Department
of Transportation
0112 (05/11)

TITLE VI – COMPLAINT FORM

Page 1 of 2

This form may be used to file a complaint with the Michigan Department of Transportation (MDOT) for alleged violations of Title VI of the Civil Rights Act of 1964. If you need assistance completing this form due to a physical impairment or other reasons, please contact us by phone at (517) 373-0980 or via FAX (517) 373-8841 or TDD/TTY through the Michigan Relay Center at (800) 649-3777.

Only the complainant or the complainant's designated representative should complete this form.

NAME

STREET ADDRESS

CITY

STATE

ZIP CODE

HOME TELEPHONE

WORK TELEPHONE

FAX

Individual(s) discriminated against, if different from above (use additional page(s) if necessary):

NAME

STREET ADDRESS

CITY

STATE

ZIP CODE

HOME TELEPHONE NO.

WORK TELEPHONE NO.

FAX NO.

PLEASE EXPLAIN YOUR RELATIONSHIP TO THE INDIVIDUAL(S) INDICATED ABOVE

Name of Agency and department or program that discriminated:

AGENCY AND DEPARTMENT NAME

NAME OF INDIVIDUAL (If known)

STREET ADDRESS

CITY

STATE

ZIP CODE

TELEPHONE NO.

FAX NO.

Date(s) of alleged discrimination:

DATE DISCRIMINATION BEGAN

LAST OR MOST RECENT DATE OF DISCRIMINATION

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Alleged discrimination:

Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within the 180 days period, you have 60 days after you became aware to file your complaint.

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you or others by the agency or department indicated above, please indicate below the bases on which you believe these discriminatory actions were taken.

Example: If you believe that you were discriminated against because you are African American, you would mark the box labeled *race/color* and write *African American* in the space provided.

Example: If you believe the discrimination occurred because you are female, you would mark the box labeled *sex* and write *female* in the space provided.

<input type="checkbox"/> Race/Color	_____	<input type="checkbox"/> Religion	_____
<input type="checkbox"/> National origin	_____	<input type="checkbox"/> Age	_____
<input type="checkbox"/> Sex	_____	<input type="checkbox"/> Disability	_____

Explain:

Please explain as clearly as possible what happened. Provide the name(s) of witnesses and others involved in the alleged discrimination. (Attach additional sheets if necessary and provide a copy of written materials pertaining to your case.)

SIGNATURE	DATE
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Note: The laws enforced by this department prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint or if you have questions regarding the completion of this form, please contact:

Cheryl Hudson, EEO Officer/Title VI Specialist
Michigan Department of Transportation
425 W. Ottawa Street
Lansing, MI 48909
Phone: 517-373-0980
Fax: 517-373-8841
Email: hudsonc1@michigan.gov

XII. Appendices

**MICHIGAN DEPARTMENT OF TRANSPORTATION
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MDOT Limited English Proficiency (LEP) Volunteers

LANGUAGE	EMPLOYEE	PHONE	SPEAK	READ	WRITE
AMERICAN LANGUAGE SIGN	Susan Laurin	989-754-0784 x 221			
AMERICAN LANGUAGE SIGN	Brian Walsh	517-241-2735			
ARABIC	Mohammad Hammad	517-335-2032	X	X	X
ARABIC	Ghazi Musfata	517 - 324-2285	X	X	X
ARABIC	Najim Salman	517-241-2181	X	X	X
FARSI	Gisso Shams	517-241-0232	X	X	X
FRENCH	Jeanne Day-Labo	517- 373-9246	X	X	X
FRENCH	Michael Odette	248-483-5192	X	X	X
GERMAN	Diane Hayes	517-750-0404	X	X	X
GUJARATI	Raman Patel	248-483-5123	X	X	X
HINDI	Raman Patel	248-483-5123	X	X	X
HINDI	Gian Taneja	517-322-6181	X	X	X
MANDARIN	Zhizhen Liu	269-337-3932	X	X	X
PUNJABI	Gian Taneja	517-322-6181	X	X	X
RUSSIAN	Levon Arakelov	517-241-0081	X	X	X
RUSSIAN	Ken Tiffany	517-373-2625	X	X	X
SPANISH	Jose Garcia	517-373-0075	X	X	X
SPANISH	Michael Odette	248-483-5192	X	X	X
TAGALOG	Angel Fandialan	517-335-2577	X	X	X
TURKISH	Michael Odette	248-483-5192	X		
URDU	Mohammad Azam	517-636-0832	X	X	X
BRAILLE	Carrie Martin	517-373-9424	Michigan Commission for the Blind		

MICHIGAN DEPARTMENT OF TRANSPORTATION
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Michigan Department
Of Transportation
5400 (09/11)

TITLE VI PUBLIC INVOLVEMENT SURVEY

Completing this form is **voluntary**. You are not required to provide the information requested in order to participate in this meeting

Title VI of the Civil Rights Act of 1964 requires the Michigan Department of Transportation (MDOT) to provide opportunities for everyone in the affected project area(s) to comment on transportation programs and activities that may affect their community. Title VI specifically states: "No person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination under any program, service, or activity receiving federal financial assistance."

Completing this form helps MDOT to comply with federal data collection and public involvement obligations under Title VI and the National Environmental Protection Act (NEPA), and improve our public service.

Coordinators from the MDOT Bureau of Transportation Planning will handle all information confidentially. Please call Cheryl Hudson, MDOT Title VI Coordinator at (517) 373-0980, or e-mail HUDSONC1@michigan.gov if you have any questions or concerns regarding this form.

MEETING TYPE OR PROJECT	LOCATION OF MEETING	DATE
-------------------------	---------------------	------

PLEASE CHECK ALL THAT APPLY. CHECK RACE/ETHNIC DESIGNATION.

	ZIP CODE	GENDER – INDICATE MALE/FEMALE	WHITE	AFRICAN AMERICAN	HISPANO / LATINO	ASIAN	2 OR MORE RACES	OTHER
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
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THANK YOU FOR YOUR PARTICIPATION!

TITLE VI PUBLIC INVOLVEMENT NOTICE

[illegible]